



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant  
Comit  Africano de Peritos os Direitos e Bem-Estar da Crian a  
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



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

**41<sup>st</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
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## OUTLINE

### Table of contents

<i>i. Introduction</i> .....	4
<i>ii. Attendance</i> .....	5
<i>Item 1: Procedural Matters and Organisation of Work</i> .....	5
<i>Item 2: Official Opening Ceremony</i> .....	5
Remarks by the children's representative .....	5
Remarks By Representative of The CSO Forum .....	6
Remarks By The Representative of The GIZ.....	7
Remarks By The Representative of The Network of African National Human Rights Institutions (NANHRI).....	7
Remarks By The Representative of UNICEF .....	7
Remarks By The Representative of The UN Committee on The Convention on The Rights of The Child (CRC).....	8
Remarks By The Representative Of Un Special Representative Of The Secretary-General On Violence Against Children (SRSG-VAC).....	8
Remarks By The Commissioner of Health, Humanitarian and Social Affairs.....	9
Remarks By The Chairperson of The ACERWC .....	10
Remarks By The Deputy Prime Minister of The Kingdom of Lesotho .....	11
<i>Item 3 : Remarks by Representatives of Member States</i> .....	11
<i>Item 4 : Remarks by NHRIS With Affiliate Status</i> .....	11
<i>Item 6: The Africa Governance Architecture Session</i> .....	12
Head of The African Governance Architecture and The Peace And Security Architecture (AGA-APSA) .....	12
The African Commission on Human and Peoples' Rights .....	13
The African Court on Human and Peoples' Rights .....	14
APRM .....	15
AU-ECOSOCC .....	16
<i>Item 6: Presentation and Discussion on Assessment of The Impact of COVID-19 on The Rights and Welfare of Children With Disabilities (By NANHRI)</i> .....	17
<i>Item 7 : Presentation and Discussion- Children With Albinism in Africa</i> .....	18
<i>Item 8 : Day of General Discussion on Protection of Children From Drug Use</i> .....	19

Panel I- Perceptions of Substance Use in Africa and Children’s Rights: Prevalence, Protection and Prevention.....	19
Panel II- Best Practices of Select African Countries: Addressing The Rise of Substance Use Among Children.....	21
Panel III- Adequacy Of The Existing Protective Rights Against Substance Use: A Review of The Effectiveness Of International And Regional Frameworks .....	23
Panel Iv- Prevention Methods and Awareness Campaigns: International and Regional Perspectives .....	24
<i>Item 9: Presentation and Discussion on Joint General Comment on FGM .....</i>	<i>24</i>
<i>Item 10 : Presentation and Discussion on The Draft Vac Guidelines .....</i>	<i>25</i>
<i>Item 11 : Presentation and Discussion on Agenda 2040 Action Plan.....</i>	<i>27</i>
<i>Item 12 : Presentation and Discussion- Study On The Impact of Climate Change on Children in Africa.....</i>	<i>28</i>
<i>Item 13: Presentation and Discussion by ACPF.....</i>	<i>29</i>
The Economic Case for Investing in Children in Africa: Investing in Our Common Future (2021)	29
Good Practices on Child-Sensitive Economic Policies in Africa.....	29
(2022).....	29
<i>Item 14: Consideration of The Initial Report of The Republic Botswana .....</i>	<i>30</i>
<i>Item 15 : Consideration of The Periodic Report of The Republic Cote d’Ivoire .....</i>	<i>32</i>
<i>Item 16 : Consideration of The Periodic Report of The Kingdom of Lesotho .....</i>	<i>32</i>
<i>Item 17 : Consideration of The Periodic Report of The Republic of South Africa.....</i>	<i>35</i>
<i>Item 18 : Consideration of CSO Complementary Report On The Periodic Report of Benin .</i>	<i>38</i>
<i>Item 19: Consideration of CSO Complementary Report on The Periodic Report of Mozambique .....</i>	<i>38</i>
<i>Item 20: Consideration of CSO Complementary Report on The Periodic Report of Senegal</i>	<i>38</i>
<i>Item 21 : Pending Communications.....</i>	<i>39</i>
<i>Items 22 : Request for an Advisory Opinion .....</i>	<i>39</i>
<i>Item 23: Presentation on Draft 2024 ACERWC Budget .....</i>	<i>39</i>
<i>Item 24: Presentation on audit reports .....</i>	<i>39</i>
<i>Item 25: The AU Champion on Children’s Rights .....</i>	<i>40</i>
<i>Item 25: Presentation and adoption .....</i>	<i>40</i>
<i>Item 26: Request for observer status .....</i>	<i>40</i>
<i>Item 27: Request for affiliate status from NHRIS.....</i>	<i>40</i>
<i>Item 28: Adoption of Decisions .....</i>	<i>40</i>
<i>Item 29: Adoption of Session Report.....</i>	<i>40</i>
<i>Item 30: Closing Remarks .....</i>	<i>41</i>

## **I. Introduction**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 41<sup>st</sup> Ordinary Session from 26 April to 06 May 2023. Among the noteworthy activities during the Session was the consideration of the Initial Reports of the Republic of Botswana and Republic of Djibouti, the Periodic Reports of the Republic of Cote d'Ivoire, the Kingdom of Lesotho, and the Republic of South Africa as well as the Complementary Reports of Civil Society

Organizations (CSOs) from the Republic of Senegal, and the Republic of Mozambique. The Committee received briefings from Members of the Africa Governance Architecture, namely the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, African Peer Review Mechanism (APRM) and AU-ECOSOC. The Committee also considered various documents, including the draft Joint General Comment on FGM, Draft VAC Guidelines, the study on children's rights and climate change, Agenda 2040 Action Plan, The Economic Case for Investing in Children in Africa: Investing in Our Common Future (2021 and Good Practices on Child-Sensitive Economic Policies in Africa 2022). The Committee also considered various pending Communications. The paragraphs below summarize the main issues of the agenda items.

## **II. Attendance**

3. The 41<sup>st</sup> Ordinary Session was attended by Representatives of Member States, the Commissioner of Health, Humanitarian Affairs and Social Development of the African Union Commission, Children's Representatives, Civil Society Organizations, Network of African National Human Rights Institutions and National Human Rights Institutions, Representatives of the African Commission on Human and People's Rights, AU-ECOSSOC, APRM and the African Governance Architecture Secretariat, Representatives of UN Agencies as well as international, regional and local non-governmental organisations.

### **Item 1: Procedural Matters and Organisation of work**

4. Prior to the opening ceremony of the 41<sup>st</sup> Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee), the Committee convened to consider some preliminary procedural matters. After adopting the agenda with a few amendments, the Committee proceeded to allocate Members for the consideration of observer and affiliate status applications. Rapporteurs and co-rapporteurs were also assigned to consider State Party reports, Civil Society Organization (CSO) complimentary reports and Communications.

### **Item 2: Official Opening Ceremony**

#### **Remarks by the children's representative**

5. Three child representatives were invited to present remarks for the opening ceremony of the 41<sup>st</sup> Ordinary Session.

6. Mr Musa Sow (14), a child representative of the continent, delivered the outcome of the Children's meeting held virtually on 22 April 2022, where children from across Africa discussed the impact of drug abuse. They identified various factors that contribute to drug abuse, including exposure to alcohol consumption on television and social media, lack of parental supervision, poverty, peer pressure, and curiosity. The children also highlighted the harmful effects of drug abuse, including violations of children's rights to education and health. To address this problem, the children called on civil society organizations, governments, and other stakeholders to create awareness about drug abuse and children's rights. The children also called on parents and guardians to be good role models, provide affection and guidance to children, and supervise and take an interest in their activities. Finally, Musa concluded by thanking all those working to prevent drug abuse and promote children's well-being in Africa.
7. Mr Foday Bangura (17), representing the children who participated in the Children's Summit, began his speech by asking for a minute of silence for Sudan and the children affected by the ongoing conflict. He reflected on how children have become strong advocates and change-makers, fighting for their rights and speaking up against violence and climate change. Children collectively proposed an annual Child Summit to encourage further child participation in Africa, where children from across the continent can discuss their rights and offer solutions. The inaugural meeting was held in Nairobi, Kenya, from 10 to 12 April 2023, with over 800 child participants and 30 organizations supporting the event in hybrid mode (face-to-face and online). He concluded by recommending State Parties and individuals contribute to the well-being of children in Africa. He urged the African Union to create a children's assembly with representatives across the continent, a minimum of two child representatives in the Committee of Experts, and an advisory body of children.
8. Ms. Mokeletso Mothakathi, a child representative from Lesotho started by , appreciating the African Union's dedication to protecting children's rights. She highlighted the challenges faced by African children, including hunger, disease, war, and harmful cultural practices. She urged the participants to discuss emerging issues facing children, including online protection, drug and alcohol abuse, child trafficking, and the rights of children with disabilities. She emphasized the government's obligation to protect children and ensure they are not discriminated against or left behind.

### **Remarks by representative of the CSO Forum**

9. Ms Felistus Motimedi, speaking on behalf of the civil society, recognized the children's representatives and delegates present at the 41<sup>st</sup> Ordinary Session of the Committee. She recalled that the CSO forum met on the 26 and 27 of April 2023, in Lesotho, to discuss the role of civil society in protecting children from drug abuse. She commended the efforts of the Committee in improving child participation, recognizing the efforts to include children's representatives involvement in the present Session.

10. Ms Motimedi also highlighted challenges African states face, such as civil wars and difficulties in free movement, impacting children's access to basic necessities. She urged governments to train relevant agencies on the nexus between drug abuse and other linked factors and to promote meaningful child participation in decision-making. Additionally, she called for research institutions to undertake studies to produce data to enable CSOs and stakeholders to strengthen interventions to protect children from substance use. Finally, Ms Motimedi expressed concern regarding the conflict in Sudan and urged the Committee to call for a complete cease-fire.

### **Remarks by the representative of the GIZ**

11. Ms. Sofia Gallina, Representative of GIZ, delivered a statement commending the bravery and wisdom of the children who spoke before her. She expressed her honor to be present and conveyed warm greetings from the team at the Strengthening Good Governance and Human Rights in Africa-AGA Project. She also appreciated the Committee's work in promoting and protecting children's rights and its commitment to new thematic issues such as climate change and business impact on children's rights. She reaffirmed GIZ's commitment to supporting the Committee's work, especially for the girl child in Africa.

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

12. Ms Rosemary Odede speaking on behalf of the Network of African National Human Rights Institutions, addressed the 41st Ordinary Session of the Committee where she highlighted the challenges facing African children, including denial of fundamental rights such as education, health and discriminatory practices like child marriage and teenage pregnancy. She also pointed out the impact of the COVID-19 pandemic on vulnerable children and the increased risks of trafficking, sexual exploitation, and abuse.
13. Ms Odede emphasized the importance of the relationship between the Committee and the African National Human Rights Institutions (NHRIs) and encouraged the NHRIs to file for affiliate status with the Committee. She explained that NANHRI is the regional umbrella organization that brings together 46 African NHRIs under the vision of a continent of effective NHRIs committed to enhancing human rights. She further stressed the need to address the scourge of climate change, food security, and conflicts that rob children of their rights. Finally, she urged all to end harmful practices that violate the dignity of Africa's children and to address child trafficking, reminding them that complacency is equivalent to complicity.

### **Remarks by the representative of UNICEF**

14. On behalf of UNICEF, Deepak Bhaskaran congratulated the Committee on its 41st Ordinary Session and expressed continued support and partnership with the

African Union and the Committee in fulfilling their shared responsibility of promoting and protecting the rights and well-being of children.

15. The Committee's focus on protecting children from substance abuse was commended as a critical issue that will help recognize the problem among African adolescents and mobilize partners to protect and care for those affected by substance abuse. The speech also highlighted the harsh reality many children in Africa face, including poverty, missed immunization, schooling, and mental health issues due to the COVID-19 pandemic, food and nutrition insecurity, and unmet needs and underinvestment in children.
16. The UNICEF representative called for governments and stakeholders to prioritize policy measures and direct financial support and social services for vulnerable children and families, promote inclusivity, and reach every child, especially those who are often overlooked.

### **Remarks by the representative of the UN Committee on the Convention on the Rights of the Child (CRC)**

17. Ms. Mikiko Otani, Chair of the UN Committee on the Rights of the Child, points out that the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) are the only human rights treaties that provide legal frameworks for protecting children from substance abuse at the international or regional levels. While the CRC and the Charter's contents on this issue are almost the same, Ms. Otani suggests that there needs to be more attention given to this issue due to its profound negative long-term impact on children worldwide.
18. The UN Committee recognizes substance abuse as an important adolescent health issue under article 24 of the CRC, and in general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee provides detailed guidance to States parties on how to protect children from substance abuse. Mr Otani suggests that the initiative of the Committee to focus on this issue as the theme of the Day of General Discussion should be followed up with joint work with the UN Committee.

### **Remarks by the representative of UN Special Representative of the Secretary-General on Violence Against Children (SRSG-VAC)**

19. Dr Najat Maalla M'jid, the UN Special Representative of the Secretary-General, shared her reflections on the situation of violence against children in Africa, which is a significant concern. Dr M'jid called for a paradigm shift towards cross-sectoral child-centred integrated systems and services that are budgeted and included in the national and local development plans. She also emphasized the need to invest in children, which is vital for resilient, sustainable, human, and economic growth.



20. The Special Representative noted that despite reiterated commitments and ongoing efforts, substantial challenges remain in effective implementation due to weak capacities, lack of resources, lack of reliable and updated data, and lack of accountability. She called for corporations and multilateralism to move from donor-driven and silo initiatives to context-specific, resource-oriented, sustainable mutual partnerships and responsibility.
21. Dr Najat Maalla M'jid emphasized that ending violence against children in Africa cannot wait, and too many children are left behind. She urged African countries to invest in children from an early age and a life cycle approach is vital for resilient, sustainable, human, and economic growth. Lastly, Dr M'jid highlighted the need to involve children in finding solutions, as they reiterated strongly during the Africa Children Summit, held in April 2023 in Nairobi, that they need to be seen, heard, and engaged.

### **Remarks by the Commissioner of Health, Humanitarian and Social Affairs**

22. H.E. Cessouma Minata Samate, Commissioner for Health, Humanitarian Affairs and Social Development, commended the ACERWC for organizing yet another successful Session. She took the opportunity to extend her gratitude to the Government of the Kingdom of Lesotho for facilitating her participation. She welcomed the theme of the Day of General Discussion, which, she recalled, was inspired by the Cairo Declaration adopted at the last Specialized Technical Committee on Social Development. H.E. Samate explained that the discussions on the theme of the protection of children against the use of psychoactive substances would ensure gathering of information to come up with a set of solutions and recommendations that will be addressed to the Member States and the African Union and provide better protection to children affected by this phenomenon. She reiterated the Commitment of the AUC to supporting the ACERWC in its initiatives to promote the rights of African children, especially the development of the General Comment on article 28 of the Charter on strengthening the protection of children against drug use and trafficking.
23. The Commissioner highlighted that her department organized a high-level side event on the sidelines of the 67th Session of the Status of Women in New York, entitled: 'Strengthening Digital Rights and Online Safety to Protect and Promote the Technological Empowerment of Girls and Women', which was a pre-event to the 4th African Girl Summit and created a discussion platform for Member States and partners to share best practices, challenges and generate recommendations on strengthening digital rights and online safety for African girls, particularly as a mechanism for inclusive development and elimination of harmful practices.
24. She further added that as part of the child's right to access adequate health care, nutrition, education, and protection from violence, she is involved in implementing continental interventions to promote the well-being of the African child. Finally, she concluded by urging Member States to consider taking action towards free movement within Africa to accelerate the theme of the African Union for the year 2023. She recalled that protecting the rights and well-being of children is essential

to achieving the Sustainable Development Goals of Agenda 2030 of the United Nations and the African Union's Agenda 2063: The Africa We Want and called upon all the stakeholders to play their role in fostering an Africa fit for children.

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

25. Honorable Joseph Ndayisenga, the Chairperson of the Committee, expressed his appreciation to all the participants who joined the 41st Ordinary Session of the ACERWC in the Kingdom of Lesotho.
26. The Chairperson expressed his gratitude to several individuals and organizations for their efforts in promoting and protecting children's rights in Lesotho and Africa, including Her Majesty the Queen of the Kingdom of Lesotho, King Letsie III, the Prime Minister of the Kingdom of Lesotho, representatives of the children, the Commissioner of the Department of Health, Humanitarian Affairs and Social Development of the African Union Commission, the Office of the High Commissioner for Human Rights, the Representatives of the Organs of the African Union in charge of Human Rights, and the Network of National Human Rights Institutions. He also thanked all partners whose contributions made the Session possible.
27. The Chairperson highlighted that the Committee's Working Groups, including the Working Group on Children's Rights and Climate Change, the Working Group on the Rights of Children with Disabilities, the Working Group on Children's Rights and Business, and the Working Group on Implementation of Decisions, have already held meetings from 26 April to 27th, before the official opening of the Session. He urged stakeholders to use the documents developed within these working groups and assist in the dissemination process and the activities to be undertaken in 2023.
28. The Chairperson indicated that the Committee would be considering the periodic reports of the Republic of Cote d'Ivoire, the Kingdom of Lesotho, the Republic of South Africa, and the initial reports of the Republic of Botswana and Republic of Djibouti. In addition, the Committee will consider CSO Complementary Reports from Benin, Mozambique, and Senegal, as well as reports produced by children.
29. The Chairperson announced that this year's theme for the Day of General Discussion is protecting children from substance use. He added that presentations and discussions on various topics related to this theme will take place and that the Committee will adopt an outcome statement to raise awareness among stakeholders on the promotion and protection of children from substance use.
30. The Chairperson informed participants on the intersession activities of the Committee, namely, the Advocacy Mission on the ratification of the Charter in the Republic of South Sudan and Cape Verde. The Chairperson concluded by urging Member States to comply with their reporting obligations per the Charter and reiterated that concerned State parties are encouraged to withdraw their

reservations to ensure the full enjoyment of rights guaranteed by the Charter for all African children.

### **Remarks by the Deputy Prime Minister of the Kingdom of Lesotho**

31. The Minister of Social Development extended greetings to participants and invited the Honorable Deputy Prime Minister, Chief Justice Nthomeng Majara, to officially deliver the keynote address before the 41st Ordinary Session of the Committee.
32. On behalf of Her Majesty Queen Masenate Mohato Seeiso of the Kingdom of Lesotho, Honorable Deputy Prime Minister Chief Justice Nthomeng Majara noted that the purpose of this Session is to address issues affecting children across the continent and to consider reports from five Member States. She welcomed the participants and appreciated the recent work of the Committee, including the development of simplified and child-friendly versions of the African Charter on the Rights and Welfare of the Child.
33. Honorable Majara drew attention to the Day of General Discussion theme on safeguarding children from substance use. She urged Member States to address the issues with commitment and dedication and develop solutions to overcome them.
34. Honorable Majara, highlighted the significance of child participation in matters that affect them. She recognized the contribution of Non-governmental Organizations and CSOs and encouraged other Member States to submit their reports. She also concluded by recognizing the children of Africa as the bearers of the continent's legacy and the hope for the future.

### **Item 3 : Remarks by Representatives of Member States**

35. Several State Party representatives including: Botswana, the Kingdom of Eswatini, Nigeria, the Democratic Republic of Congo, Senegal, Zimbabwe, and Eritrea made statements .They provided a brief overview of the situation of children in their respective countries and highlighted some initiatives undertaken to ensure that children enjoy their rights, such as developing laws, policies, and programs ,while presenting some of the challenges faced.

### **Item 4 : Remarks by NHRIs with Affiliate Status**

36. Representatives from NHRIs with affiliate status, namely Benin, Cameroon, Kenya, Malawi, Niger, Togo, and Zambia, presented achievements in their respective countries. They equally presented some of the challenges faced in the realization of the rights of children and invited other NHRIs to apply for affiliate status for increased collaboration with the Committee. The NHRIs that were recently granted affiliate status, among the ones that addressed the participants,

took the opportunity to thank the Committee for granting them the status and briefly presented the structure of their NRHIs and their activities.

## **Item 5: Remarks by Organisations with Observer Status**

37. Organizations with observer status made brief remarks to the Committee. They included African Child Policy Forum (ACPF), Institute for Human Rights and Development in Africa (IHRDA), Regional Psychosocial Support Initiatives (REPSSI), Save the Children International, Plan International, Human Rights Watch, Center for Reproductive Rights, Center for Human Rights, Initiative for Social and Economic Rights (ISER) and Child Fund. The representatives gave remarks by indicating the initiatives they are undertaking in advancing children's rights on the continent. They also reiterated their commitment to continue working with the Committee in the execution of its mandate. In their remarks, the organizations recommended the Committee to:

- Encourage all State Parties to amend and harmonize their national laws to set the age of marriage at 18 years without any exception;
- Issue a statement on the impact of the Sudan war on the rights and welfare of children;
- Issue continental-wide Guidelines on the rights of pregnant and parenting students to serve as a model for school continuation and re-entry policy; and,
- Develop a framework to guide States on private involvement in social service delivery to ensure the promotion and protection of children's rights.

## **Item 6: The Africa Governance Architecture Session**

### **Head of the African Governance Architecture and the Peace and Security Architecture (AGA-APSA)**

38. Ambassador Salah Hamad, Head of the African Governance Architecture and the Peace and Security Architecture (AGA-APSA), congratulated the Committee for successfully organizing its 41<sup>st</sup> Ordinary Session and thanked the Committee for inviting him to present on the relevant activities and possible areas of synergies with the ACERWC.

39. In his presentation, Amb. Salah indicated that to promote good governance, peace and Security, the AU established the African Governance Architecture (AGA) as a platform for the consolidation of efforts to support AU Member States in the area of democracy, good governance, elections and rule of law. Amb. Salah further indicated that the AGA brings together AU Organs, Institutions and Regional Economic Communities (RECs) to collectively work together to promote the AU Governance Agenda aiming at building the Africa we want. Moreover, Amb. Salah highlighted that the AGA was established in 2011 as a "platform for dialogue between the various stakeholders" who are mandated to promote good

- governance and strengthen democracy in Africa, in addition to translating the objectives of the legal and policy pronouncements in the AU Shared Values".
40. After presenting the principle and specific objectives of AGA, the AGA Guiding Principles, its structure and the thematic area of focus as well as its flagship projects and programmes, Amb. Salah shared how the Africa Governance Platform (AGP) can support the ACERWC. He highlighted that the AGP can support the work of the ACERWC by mainstreaming issues related to the rights of the child in the work of all Members of the Platform; members of the AGP can jointly celebrate the Day of the African Child and support the efforts of the ACERWC to gain and receive the necessary political support. He further highlighted that the ACERWC can seek legal opinions from the African Court on Human and Peoples' Rights (AfCHPR) on the commitment of the AU Member States to the advancement of children's rights at the national level.

### **The African Commission on Human and Peoples' Rights**

41. Honorable Dr. Litha Musyimi-Ogana, Commissioner of the African Commission on Human and Peoples' Rights (ACHPR) presented on behalf of the Chairperson of the ACHPR, Honorable Rémy Ngoy Lumbu. In her presentation, Dr. Musyimi-Ogana congratulated the ACERWC for holding its 41st Ordinary Session and thanked the Committee for inviting the ACHPR to present on selected relevant activities and possible areas of synergies with the ACERWC. She indicated that this invitation is indeed a testament to the desire of African regional human rights bodies to work more closely together to deliver on our mandates to promote and protect human and peoples' rights, including the rights and welfare of children in Africa. She further indicated that the relationship between our two Institutions has been sealed by ACHPR/Resolution 144 (XXXXV) 09 on Cooperation between the African Commission and the African Committee, adopted by the Commission at its 45th Ordinary Session in Banjul in May 2009. This Resolution appointed the Special Rapporteur on the Rights of Women in Africa, as the Focal Commissioner between the Committee and the Commission, to facilitate this cooperation.
42. Hon. Commissioner highlighted that in the spirit of cooperation, over the last decade, the Commission and the Committee jointly commemorated and celebrated significant milestones in Africa's continental human rights progression through, among others, the development of Joint General Comment (GC) on Ending Child Marriage; (ongoing) GC on Female Genital Mutilation, consultative workshop on the joint monitoring of State compliance with the decisions drafted by our institutions; joint retreat to develop greater collaboration in the promotion and protection of human rights, including children's rights in Africa; AGA Platform Technical meeting to identify our flagship projects for 2023 and the areas of collaboration and cooperation including collaboration to ensure the effective commemoration of the Day of the African Child; and, with the support of the Centre for Human Rights in Pretoria, our institutions collaborate in the publication of the African Human Rights Yearbook. Additionally, Hon. Dr. Musyimi-Ogana indicated that the Commission is leading the Flagship Activity relating to the State of Human Rights in Africa and there is a convening of a Strategic Retreat for the AGA Platform at the Technical and Political level in July 2023 where the Committee will be invited to attend and identify structural and operational issues



requiring the attention of the AGA Platform Members, clarify roles and relationships between the AGA Secretariat and Platform Members and find viable options to effectively deliver on our mandate.

43. In her conclusion, Hon. Commissioner stated that building on this level of inter-institutional engagements among AU institutions with a human rights mandate, the presence of the African Commission in this 41<sup>st</sup> Ordinary Session of the Committee shows not only solidarity with the Committee in the spirit of collaboration but also contribute meaningfully to the existing frameworks for ensuring that the rights and welfare of children in Africa are better safeguarded and enforced.

### **The African Court on Human and Peoples' Rights**

44. On behalf of the President of the African Court on Human and Peoples' Rights Hon. Lady Justice Imani Daud Aboud, Hon. Justice Dumisa Ntsebeza expressed his gratitude to the ACERWC for extending an invitation to the Court to participate in the Opening Ceremony of its 41<sup>st</sup> Ordinary Session. After thanking the chairperson of the ACERWC for accepting the invitation of the African Court to participate at the Court's opening of its judicial year 2023, Hon. Justice Dumisa Ntsebeza indicated that the Court enjoys a very good relationship with the African Commission as both AU organs have common mandates to ensure the protection of human rights. Moreover, Hon. Justice Dumisa Ntsebeza indicated that the two institutions are both of them members of the AGA and have responsibilities to implement and promote democracy, good governance, human rights and justice and the objectives of the Africa Agenda 2063.
45. Concerning relevant activities and possible areas of synergies with the ACERWC, Hon. Justice Dumisa Ntsebeza indicated that there should be consultation meetings between the three Human Rights bodies of the African Union, namely the Court, the Commission and the Committee to share the achievements, the challenges and come up with solutions to the challenges raised. He further indicated that the first meeting in Maputo last year was a good forum for all of us to share our experiences and challenges and identify a sustainable way of corporation and collaboration. Moreover, after sharing the African Court on Human and Peoples' Rights theme for the year 2023 which aims to "*Integrating the jurisprudence of regional and international human rights mechanisms into national systems*", Hon. Justice Dumisa Ntsebeza highlighted that the African Court encouraged the Committee and the Commission to adopt this theme as it will help in the protection and promotion of human rights in African countries. Hon. Justice Dumisa Ntsebeza further highlighted that they are possible areas of synergy with the ACERWC by sharing information on the applications before each of them to avoid duplication and dealing with the same matter, and also this will help the AU organs to prioritize our very rich jurisprudence and make reference to own decisions or the jurisprudence of each other before citing the jurisprudence of other international bodies. Hon. Justice Dumisa Ntsebeza also indicated that there should be an exchange program for the legal officers of the African Committee and Court to learn from each other and an introduction of checks and

*balances since both organs are protecting human rights and the checks and balances will help in reducing mistakes that are likely to be done by another organ.*

46. *Hon. Justice Dumisa Ntsebeza concluded by indicating that the objectives of the AU and the aspirations of the Agenda 2063 are linked by a common threat, the human rights threat. Therefore, Hon. Justice Dumisa Ntsebeza highlighted that it is extremely important that the African Committee, Commission and Court work together in ensuring the promotion and protection of human rights in Africa.*

### ***African Peer Review Mechanism (APRM)***

#### **The synergy between the APRM and ACERWC: Exploring Areas of Collaboration for Promoting Good Governance and Child Rights in Africa**

47. Adv. Batlokoa Makong, Acting Chief of Staff of the African Peer Review Mechanism (APRM) Secretariat made a presentation on behalf of Professor Eddy Maloka, the Chief Executive Officer of the APRM. Adv. Batlokoa Makong started by thanking the ACERWC for inviting APRM to participate in the Opening Ceremony of its 41st Ordinary Session and present on relevant activities and possible areas of synergies and collaboration with the ACERWC to ensure the promotion of Good Governance and Child Rights in Africa. After sharing the mandates of the APRM and ACERWC, Adv. Batlokoa Makong indicated that the APRM can contribute to the ACERWC's work by providing insights on governance practices that impact children's rights and welfare and supporting the Committee in monitoring the implementation of the African Charter on the Rights and Welfare of the Child by providing data and analysis on governance indicators that are relevant to children's rights. Furthermore, Adv. Batlokoa Makong indicated that during its review process, the APRM can promote the adoption and implementation of child-friendly policies that protect and promote children's rights, while ACERWC can provide technical expertise and support to APRM participating countries in the formulation of such policies. Moreover, Adv. Batlokoa Makong stated that the APRM and ACERWC can collaborate to share data and information on children's rights and related issues, such as education, health, and social protection and this can facilitate evidence-based policymaking and promote the effective implementation of programs and initiatives. Adv. Batlokoa Makong further stated the APRM can offer its expertise in collecting and analyzing data on governance and human rights in African countries and facilitate knowledge sharing and exchange of best practices between the ACERWC and other African countries participating in the APRM process. Additionally, Adv. Batlokoa Makong stated that the ACERWC can provide valuable insights on child rights issues to the APRM by sharing information concerning the data and research findings on child rights issues in African countries and providing recommendations on how to improve governance practices to better promote and protect child rights. After recognizing that children are often disproportionately affected by governance issues such as corruption and poor service delivery, Adv. Batlokoa Makong stated that information exchange concerning governance issues that affect children in Africa is crucial for the work of the APRM and incorporating child rights perspectives into APRM reviews can provide a more

comprehensive analysis of governance issues in African countries. Adv. Batlokoa Makong also indicated that the APRM and ACERWC can identify specific areas of collaboration and work together to design and implement joint initiatives and share their knowledge and expertise in child rights and governance, which can lead to improved policies and practices that promote the well-being of children in Africa.

48. After sharing the benefits of collaboration between the APRM and ACERWC, Adv. Batlokoa Makong concluded the presentation by indicating that the collaboration between the APRM and ACERWC is crucial for promoting good governance and protecting children's rights in Africa. He further stated that both institutions must continue working together to achieve their common goals and ensure that children's rights are fully respected, protected, and fulfilled in African countries.

### **Economic Social & Cultural Council (ECOSOCC)**

49. Mr. Joseph Chongsi Ayeah, Deputy Presiding Officer (DPO) of the Economic Social & Cultural Council of the African Union (AU-ECOSOCC) thanked the Committee for inviting the AU- ECOSOCC to make a presentation during its 41<sup>st</sup> Ordinary Session. He informed that since its establishment in 2004, the AU-ECOSOCC has engaged in different areas of development in Africa by aligning and supporting the implementation of AU programs to achieve Agenda 2063. He also indicated that the AU-ECOSOCC has developed programs to reinforce the implementation of key AU treaties including the African Charter on the Rights and Welfare of the Child. Moreover, Mr. Chongsi Ayeah Joseph indicated that the AU-ECOSOCC has identified two areas in which the AU-ECOSOCC and the ACERWC can collaborate and synergize while are juvenile justice and trafficking in children.
50. After sharing various children's rights issues that children in conflict with the law are facing, Mr. Chongsi Ayeah Joseph highlighted that the AU-ECOSOCC works
51. to reinforce justice for children and unify all Non-State Actors (NSA) and Local Authorities (LA) stakeholders to transform children in conflict with the law in all AU Member States into productive citizens by giving them constructive skills and opportunities in the pre-trial, trial, incarceration and post-incarceration stages of the judicial chain. Mr. Joseph Chongsi Ayeah further highlighted that closer collaboration with the Committee in various initiatives concerning juvenile justice is very crucial to enhance the protection and promotion of the rights and welfare of children who are in conflict with the law.
52. 52. Concerning trafficking in children, he informed that child trafficking in Africa has continued to increase due to many reasons such as the armed conflict in most parts of Africa, insecurity, displacements and poverty, among others. He further indicated that governments' actions to effectively address this issue have remained limited and, as a result, child protection risks and challenges have also increased. He, hence pointed out that greater collaboration and cooperation with the Committee is needed to effectively address this issue and provide direct assistance to children victims of trafficking in person.



## **Item 6: Presentation and Discussion on Assessment of the Impact of COVID-19 on the Rights and Welfare of Children with Disabilities (by NANHRI)**

53. The presentation on the assessment of the impact of COVID-19 on the rights and welfare of Children with Disabilities (CwDs) was made by Mr. Masoo Wycliffe Muchapfidza, the Director of Disability and Elderly Rights/Research and Documentation of the Malawi Human Rights Commission on behalf of the Network of African National Human Rights Institutions (NANHRI) Secretariat. He started his presentation by providing a brief introduction on the establishment of the NANHRI and informed that 17 National Human Rights Institutions (NHRIs) have affiliate status before the ACERWC. He further provided the background of the assessments on the impact of COVID-19 on the rights and welfare of CwDs highlighting that the assessments were led by the NHRIs of Malawi, Kenya, Ethiopia, Ghana, and Burundi. Mr Wycliffe informed the objectives of the assessments that were among others to enhance the capacity of African NHRIs to respond to the impact of COVID-19 on CwDs and improve the effectiveness of African NHRIs contribution to the work of the ACERWC. He also informed that the desktop review of secondary sources and online surveys were utilized as a methodology to conduct the assessments. He highlighted that the assessments evaluated the following general principles such as non-discrimination, intersectionality, accessibility, participation, and accountability. Moreover, Mr. Wycliffe Muchapfidza shared the key findings of the assessments by indicating that CwDs experienced disproportionate harm from the COVID-19 pandemic due to the intersecting vulnerabilities they face and the inappropriate design of COVID-19 responses presented negative consequences on caregivers and CwDs. He also highlighted the key rights of CwDs that were impacted during the COVID-19 pandemic such as the right to education, right to health and the right to engage in play and recreational activities as well as the right to be free from violence (including sexual and gender-based violence), abuse and discrimination, among others. Additionally, he presented on the role of NHRIs in implementing the findings by indicating that the NHRIs should advocate for ratification, domestication and implementation of the ACRWC (including advocating for the submission of overdue State Party reports) and follow-up on the implementation of concluding observations and decisions of the ACERWC, among others. Mr. Wycliffe Muchapfidza also highlighted the role of the ACERWC in implementing the findings of the reports by indicating that the Committee should recommend relevant stakeholders to effectively implement the findings and recommendations of the assessments whenever there is engagement with States Parties through fact-finding and follow-up missions, working Group meeting, among others.
54. In conclusion, Mr. Wycliffe Muchapfidza shared the dissemination strategy and next steps by indicating that there will be national-level validations and launches of the assessments involving key state and non-state actors; publication of the assessment reports on the websites of the NHRIs; production of versions of the assessment reports that are child- and disability-friendly and translations of the assessment reports into local languages; among others.
55. The Committee thanked Mr. Wycliffe Muchapfidza for the comprehensive presentation and for sharing the best practices, challenges that CwDs faced

during the COVID-19 pandemic and the possible recommendations to ensure that the rights and welfare of CwDs are protected during and beyond the COVID-19 pandemic. In this regard, the Committee invited all NHRIs to take all appropriate measures to effectively implement the Guiding Note on children's rights during the COVID-19 pandemic at the national and local levels and take concrete actions to protect the rights and welfare of CwDs during other emergency situations.

## **Item 7 : Presentation and Discussion- Children with Albinism in Africa**

56. The Committee welcomed the UN Independent Expert on the enjoyment of the rights of Persons with Albinism (PWA), Ms. Muluka-Anne Miti-Drummond to present on addressing stigma and discrimination to prevent separation from families: Lessons and challenges from the albinism movement. After providing the definition of albinism and the types of albinism, Ms. Miti-Drummond indicated that the term, 'albino' is viewed by some as offensive, as it places the emphasis on the condition rather than the person. In this regard, she highlighted that the accepted term is, 'person/s with albinism'. Furthermore, she highlighted the health condition and challenges that CWA are facing in accessing the healthcare services they need as well as the insecurity issue and the risk of being stigmatized and discriminated against, killed, attacked, abducted, trafficked, raped due to wrong beliefs that body parts of PWA can give luck to the possessor; sexual intercourse with a woman with albinism can cure AIDS, among others. Additionally, Ms. Miti-Drummond indicated that for safety reasons, some parents sent their CWA to boarding schools or took them to police stations due to their inability to effectively protect their children against various forms of violence and abuse and others have decided to abandon their CWA at birth/infancy. Ms. Miti-Drummond stressed that lack of political will, poor investigations; lack of cross-border collaboration; insufficient evidence for prosecution and poor witness protection hinder CWA from effectively accessing justice.
57. After her presentation, Ms. Miti-Drummond invited Mr. Baidon Chandipo, a person with albinism from the Zambian Albinism Team to present on the status of CWA in Zambia. In his presentation, Mr. Baidon Chandipo indicated that the major human rights violations that CWA are facing in Zambia are, among others, the right to life, education and the right to health. He further indicated that due to their albinism condition, CWA in Zambia are usually rejected, neglected and discriminated against by society and their parents, especially fathers. Moreover, Baidon indicated that for safety reasons, most parents took their CWA to boarding schools; however, the safety and security conditions of most schools are not good enough to ensure the protection of CWA which encourages targeted attacks and the involvement of some teachers in these attacks is very worrying. Baidon further stressed that CWA are traumatized and some dropped out of school because they do not feel safe in schools, at home as well as in their communities. In conclusion, Mr. Chandipo indicated that there is a need to urgently ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and adopt/amend/review legislative and policy framework to ensure the effective protection of CWA.

58. After the presentation made by Mr. Chandipo, Ms. Miti-Drummond invited Ms. Perpetua Senkoro, a Disability Rights Advocate to present on the case of Tanzania and lessons on shelters from Tanzania: Deinstitutionalization of CWA. In her presentation, Perpetua stated that in Tanzania, measures were taken to address the security issue of PWA including designating some shelters where PWA including children could temporarily live for safety reasons. However, she indicated that after some time, this move proved to be more harmful to CWA rather than protective. She further indicated that a plan and strategy should be in place for the Government to immediately stop the institutionalization of CWA and instead assist them in reconnecting and reuniting the children in the centres with their parents or close relatives. Moreover, Perpetua highlighted that Tanzania is currently in the process of adopting a National Action Plan on Albinism which domesticates the Africa Albinism Plan of Action (2021 – 2030) and deinstitutionalization of CWA is among the measures listed in the national action plan. In conclusion, she recommended relevant stakeholders to conduct more research on the issue of institutionalization and deinstitutionalization of CWA to raise more awareness around it as well as to influence better policy actions.
59. After Perpetua's presentation, Muluka-Anne Miti-Drummond shared the regional and international frameworks for addressing conditions leading to separation and recommended all the CSOs and other relevant stakeholders to include the organizations of PWA and CWA in the CSOs engagement such as the CSOs and NGOs Forums.
60. The Committee thanked Muluka-Anne Miti-Drummond, Baidon Chandipo and Perpetua for their presentations and highlighted the need to have a closer collaboration and cooperation with relevant regional and international stakeholders (including, among others, cross-border cooperation and the engagement of traditional, community and religious leaders, parents, teachers, families, communities and the media) in various initiatives aimed to protect CWA. It was also recommended to the ACERWC to join other AGA platforms especially the Commission and the Court to advocate for the appointment of a Special Envoy on Human Rights who will address the issues faced by CWA and closely work with the Africa Centre for Disease Control and Prevention (Africa CDC) on how to better promote the health of CWA in Africa.

## **Item 8 : Day of General Discussion on Protection of Children from Drug use**

### **Panel I- Perceptions of substance use in Africa and children's rights: prevalence, protection and prevention**

61. Honorable Hermine Gatsing Kembo chaired the first panel of the Day of General Discussion. The first presenter was Dr Abiola Olaley, Senior Drug Epidemiology Officer, Drug Unit, Health, Humanitarian Affairs and Social Development, of the African Union Commission. He highlighted in his speech that drug use has significantly increased in Africa. In contrast, drug prevention and treatment

services are insufficient to meet the growing demand and limited data is available on the extent of drug use among young people. Still, existing surveys suggest that substance use among African children is prevalent and referenced school surveys in Liberia, Senegal, and Cote d'Ivoire. Moreover, he highlighted the work of the Pan-African Network on Drug Use. Alcohol, cannabis, opioids, and cocaine are the most commonly reported drugs by those accessing treatment for substance use disorder in Africa, with regional variations indicating a significant challenge with drug use across the continent. Dr Olaley concluded by underlining the implications of substance use on children and how it can lead to academic difficulties, health problems, poor peer relationships, and involvement with the juvenile justice system.

62. During the second presentation, child representatives from Lesotho and Sierra Leone presented their perspectives on the rise of substance use and its impact on children's rights. The children identified various factors that can lead to substance use, such as insufficient guidance from parents, pressure from peers, inadequate enforcement of policies, and curiosity. They also highlighted the heightened vulnerability of children with disabilities regarding substance use, calling for additional attention to be given to this group. In their concluding remarks, the child representatives made recommendations to the Member States. They called for developing and enforcing domestic legislation that safeguards children from substance use and provides accessible information on its harms and dangers. Additionally, they urged the Committee and African Union to encourage Governments to monitor the establishment of protective and preventive measures to curb substance use among children. The child representatives emphasized the vital role of parents and guardians in this effort, imploring them to be positive role models.
63. Ms Giovanna Campello, from the United Nations Office on Drugs and Crime (UNODC), presented evidence-based prevention approaches to address drug use among children to promote their health and safe development, per the Convention on the Rights of the Child. The presentation focused on prevention, based on the International Standards on Drug Use Prevention Framework (Standards) developed by UNODC and World Health Organization. The Standards emphasize the importance of early drug use prevention interventions, focusing on services such as prenatal visits, early childhood education, and personal and social skill development. Adolescent prevention can be achieved through policies of school attachment, preventive education, screening and brief intervention in the health sector, and multi-component initiatives at the work, entertainment, and community levels. She concluded by emphasizing that the health and safety of the child should be of utmost priority and align with international standards provided under the Convention on the Rights of the Child.
64. After the presentations, participants engaged in productive discussions that brought to light several salient issues. There was a thoughtful examination of the role of law enforcement and the violence that can ensue in handling drug-related matters, focusing on how to safeguard children's rights. Furthermore, it was emphasized that drug abuse is not simply a standalone issue but a manifestation of a deeper societal malaise characterized by hopelessness and frustration among youth. This underscores the imperative for a comprehensive and holistic

approach that does not solely target youth but also extends to the broader community. It is crucial to recognize that drug use is a symptom of a broader illness afflicting societies rather than an isolated concern. Therefore, to address this issue, it is necessary to delve deeper and tackle the underlying problems that contribute to substance abuse.

65.

## **Panel II- Best practices of select African countries: addressing the rise of substance use among children**

66. Honorable Robert Doya Nanima introduced the panel discussion on the best practices of selected African countries in dealing with increased substance use among children. The first presentation was made by Mme Tahny Lou Tanan Esther Vonani Bi, Magistrate Hors Hierarchie, Directrice de la Jeunesse, Cote d'Ivoire. She highlighted that various efforts have been made by the government, through its various ministries, to address drug and substance abuse. She indicated that these efforts include enacting laws that impose stiff penalties for possessing and using illegal drugs. Regarding children found in possession of drugs and substances, she noted that children are not treated like offenders but rather as victims, hence more focus on rehabilitation of the children involved. In that regard, the children involved are referred for medical assistance, and social welfare officers submit observation reports to the prosecutors and magistrates with proposed recommendations on how children accused of using drugs should be treated. She also mentioned that the government undertakes awareness-raising initiatives in schools and communities to educate individuals on the dangers of drug and substance abuse.

67. Ms Judith Meme from Counseling and Rehabilitation, NACADA Ministry of Interior and National Coordination, shared best practices on addressing drug and substance abuse in Kenya. She began by giving an overview of the emerging trends of drug abuse by students in Kenya. She outlined the mandate of NACADA to carry out preventive education on alcohol and drug abuse and provide and facilitate the development and operation of rehabilitation facilities, programs, and standards for survivors of substance abuse. She noted interventions offered to students regarding drug and substance abuse, including but not limited to undertaking baseline surveys to establish the status of drug and substance abuse; awareness raising; guidance and counselling; sobriety clubs; and peer counselling. She concluded by highlighting that the Government of Kenya has also developed instruments on drug use prevention, such as the National Guidelines on Alcohol and Drug Use Prevention (2021), to establish minimum requirements for conducting effective alcohol and drug use prevention and management programs in schools, families, workplaces, communities, and the media in Kenya.

68. Dr Jimoh Olawale Salaudeen, Director in charge of the Drug Demand/ Harm Reduction Programme, Hospital Services, Federal Ministry of Health, gave the presentation on best practices in Nigeria. He gave a brief background on drug use in Nigeria, highlighting that the use of drugs is high among young people within the age brackets of 25 and 39 years, meaning that children and

adolescents aged 15 to 19 will inflate the number of drug users in the next decade. He highlighted the high use of drugs among young people, which is countered by initiatives such as evidence-based prevention programs and family programs, drug education for children, the Line Up Live Up program to provide life skills training to at-risk children, and harm reduction interventions. Regarding harm reduction interventions, the Government reduces harm through the needle syringe program, medication-assisted treatment, and community distribution of naloxone. Further, the Child Rights Act, Mental Health Act and the National Drug Control Master Plan. However, challenges remain, including the growing population of out-of-school children using drugs, sub-optimal funding and research, and lack of data. Dr Salaudeen called for collaboration to protect children from drug and substance abuse.

69. Dr Issac Masiye, Senior Assistant Commissioner, Drug Enforcement Commission, Zambia, presented on drug abuse in Zambia and strategies to improve drug programs and services for young people. He highlighted that prevention, treatment, law enforcement, legal and policy, and political buy-in strategies are being implemented in Zambia. Prevention strategies include institution-based, family and parenting training, media campaigns, community-based programs, and data collection. In contrast, treatment strategies include assessment and testing, medication-assisted therapy, counselling, youth-friendly corners, and social re-integration for expelled students. Law enforcement strategies focus on reducing drug availability and access, pre-trial diversion for children, and collaboration among agencies. Legal and policy strategies include addressing drug use in the Children's Code Act and school curriculum. Political buy-in is demonstrated by a presidential commitment to establishing a national rehabilitation centre and addressing drug use in public addresses. Challenges include a lack of recovery intervention implementation, rehabilitation centres, cultural norms, conflicting media messages, inadequate human resources, and research studies. Dr Masiye recommended prioritizing recovery programs, training stakeholders, collaborating, and dispelling cultural norms and media messages that promote drug use.
70. Several issues were raised in the discussion that followed the presentations, such as the lack of gender-disaggregated data on drug and substance abuse among AU member states, the need for member states to establish more rehabilitation centres for children who are survivors of drug and substance abuse; the need for governments to adopt policy measures to protect children from marketing and advertising of drugs and substances by businesses including in the digital sphere; the need for child-friendly services at police stations and health centres; the need to equip parents and caregivers on drug use prevention; and lastly the need for member states to collaborate with businesses and the private sector as they also have a critical role to play in protecting children against drug and substance abuse.



### **Panel III- Adequacy of the existing protective rights against substance use: a review of the effectiveness of international and regional frameworks**

71. Ambassador Salah S. Hamad chaired the third-panel discussion, which began with a presentation by Honorable Anne Musiwa, Vice-Chair of the Committee. She discussed the African Children's Charter's alignment and complementarity with other international and regional frameworks and highlighted article 28's explicit focus on protecting children from substance use. She also explained the Committee's monitoring mechanisms, including state reporting, investigation and inquiry procedures, and communication procedures. Despite the African Children's Charter's provisions, gaps remain in the framework, particularly regarding the roles and responsibilities of various actors in protecting children from substance use. Hon. Musiwa recommended collaboration and coordination among stakeholders and the development of a General Comment to address these gaps.
72. Following Hon. Musiwa's presentation, Ms Betty Kabari, a representative from the Centre for Reproductive Rights, highlighted the importance of intersectionality of intervention mechanisms among vulnerable adolescents and young people who are at risk of drug and substance use. She noted that not all children are equally vulnerable, and some, such as children in street situations, those with a history of trauma and abuse, out-of-school adolescents, and those with family members who abuse drugs, are at higher risk. Ms Kabari focused on three critical issues with substance use: higher rates of unprotected sex and increased risk of sexually transmitted infections, intimate partner violence, and maternal and neonatal health complications. She emphasized that there are important state obligations related to sexual and reproductive health that can help mitigate harm in the context of substance use. For example, comprehensive sexuality education to teach collective responsibility is crucial to preventing drug and substance use. Ms Kabari stressed the need to leverage the interdependence of rights and state obligations to protect children. She highlighted that it is the state's responsibility to ensure that all children have access to the resources and support needed to lead healthy and fulfilling lives, including protection from drug and substance use harm.
73. Ms Mikiko Otani, the Chair of the UN Committee on the Rights of the Child, in her presentation, emphasized the importance of protecting children from substance abuse, a severe issue that has not received sufficient attention. Ms Otani noted that the Convention on the Rights of the Child (CRC) and the African Children's Charter are the only human rights treaties that provide legal frameworks for child protection from substance abuse at the international or regional level. The presentation provided an overview of the UN Committee's approach to this issue, as contained in general comments and country reviews. It highlighted that the African Committee's initiative to focus on this issue as the Day of General Discussion theme should be followed by joint work with the UN Committee. The presentation also discussed the obligations of States parties under article 33 of the CRC to take measures to protect children from the illicit use of drugs and psychotropic substances and how the UN Committee has addressed this issue in its general comments, especially general comment 15 (2013) on the right of the

child to the enjoyment of the highest attainable standard of health and general comment 20 (2016) on the implementation of the rights of the child during adolescence.

#### **Panel IV- Prevention methods and awareness campaigns: International and regional Perspectives**

74. Ambassador Salah S. Hamad also chaired the fourth panel and invited Dr Abiola Olaley to give the first presentation. Dr Olaley's presentation delved into the multifaceted drug problem affecting young people, stressing that the reasons for substance use range from increased drug availability to genetic influences and early initiation. He emphasized recent data from the World Drug Report 2021 that estimated 60 million people aged 15-64 years in Africa used drugs in 2019, with a projected increase of 25% worldwide and 150% in Sub-Saharan Africa by 2050. Dr Olaley highlighted the severe consequences of early drug use, including health, education, and emotional maturity issues. The presentation further highlighted the crucial role of the African Union Commission in addressing substance use and control on the continent, including the development of policy frameworks, facilitation of decision-making, and collaborations with similar regions. Additionally, enacting the Action Plan on Drug Control (2019 - 2023) featuring nine guiding pillars was highlighted as a critical strategy in the AUC's response to the drug problem.
75. Following Dr Olaley's presentation, Ms Nabwire Lillian, the Project Officer of Plan International Uganda, presented the issue of drug use among youth in Kampala as a case study to provide context to prevention methods. The patterns and prevalence of substance use differ based on various socio-demographic characteristics such as age, gender, education level, and income. The reasons for drug use include factors like availability, affordability, accessibility, acceptability, and awareness of substances, as well as stress, poverty, unemployment, and peer pressure, among others. Ms Lillian suggested preventive campaigns to raise awareness and support alternative income-generating initiatives, educate the public on the harmful effects of substance use in schools and communities, and support community-based initiatives that provide alternative opportunities for young people. These campaigns could use positive role models, social media platforms, peer educators, and religious and cultural leaders. For duty bearers and stakeholders, she recommended enhancing the capacity and accountability of law enforcement agencies, improving healthcare services, and strengthening the legal and regulatory framework to control substance use.

#### **Item 9: Presentation and Discussion on Joint General Comment on FGM**



76. The consultant, Dr. Nkatha Murungi, presented the Joint General Comment on FGM to the committee, a collaborative effort between the ACERWC and ACHPR aimed at providing tailored guidance on measures required for eliminating FGM. The definition of FGM was elaborated as the partial or complete removal of female genitalia for non-medical reasons. The Joint General Comment is based on the principles of children's rights as outlined in the African Children's Charter and recognizes the intersection between women's and children's rights concerning FGM.
77. The consultant noted that the State obligations outlined in the Joint General Comment have been informed by normative frameworks including Articles 21(1), 1(3), 3, 5, and 16 of the African Children's Charter, and Articles 5, 4, 8, and 17 of the Maputo Protocol are particularly relevant to the issue of FGM in Africa. Additionally, Article 18(3) of the African Charter on Human and Peoples' Rights obligates states parties to eliminate discrimination against women and protect the rights of women and children as outlined in international declarations and conventions.
78. The consultant emphasized that a multifaceted response is necessary to effectively address FGM and meet the obligations of Article 21(1) of the African Children Charter. This includes the need for institutional measures such as government focal points, and administrative measures such as health services, access to justice, and empowerment of local administrative posts. The Joint General Comment also outlines additional measures such as state-funded shelters, education, and public awareness campaigns to eliminate FGM and encourage effective practices and community-specific alternatives.
79. In conclusion, the consultant emphasized that effective implementation of the Joint General Comment on FGM requires strategic partnerships with various stakeholders. Collection of disaggregated data on FGM and specific measures to mitigate poverty through empowering girls and women are also important. States should recognize and strengthen the agency of girls and women as advocates against FGM. Reporting on compliance with Article 5 of the Maputo Protocol and Article 21(2) of the African Children's Charter is required, including statistics, context descriptions, challenges, measures taken, and best practices.
80. After the presentation, the Committee and the participants agreed that: FGM is not only a harmful cultural practice but also a violation of human rights, and there is a need to establish channels for state reporting and the rehabilitation of survivors. Harmonization of laws, rehabilitation of victims, and recording cases of FGM were also discussed, along with the importance of clarity on terminology. Participants emphasized the need for a focus on cultural and social dimensions and not to shy away from blacklisting countries that practice FGM.

## **Item 10 : Presentation and Discussion on the Draft VAC Guidelines**

81. A recorded video presentation on the Draft VAC Guidelines was made by the consultant Dr. Martha Mutisi. She highlighted that the prevalence of violence

against children (VAC) in Africa is alarmingly high, with 60% of boys and 51% of girls experiencing physical abuse. Some regions witness more than 80% of children aged 1-14 subjected to violent discipline every month, and up to 40% of girls experiencing sexual violence before age 15. In West and Central Africa, over 50% of children aged 13-15 are bullied in school. While some member states are improving child protection, overall, African nations face difficulty in addressing the growing challenges that put children at risk of violence.

82. Dr Mutisi explained that the Guidelines are based on normative frameworks that emphasize the importance of protecting children from violence in Africa. These guidelines provide a framework for AU Member States to systematically address risk and protective factors at individual, relationship, community, and societal levels. The objectives of the guidelines are to offer guidance on approaches and specific measures for preventing and responding to violence, strengthen political commitment and leadership, provide a framework for coordination and collaboration, and monitor progress towards VAC targets. The guidelines were developed using the socio-ecological framework to consider the complex interplay between factors that contribute to violence against children in various settings.
83. Dr Mutisi recommended that Child Protection Management Information Systems (CPMIS) be developed to provide insight into the VAC landscape and identify appropriate response, care, and prevention strategies. Furthermore, it is essential to set up national and sub-national monitoring systems to evaluate the efficacy of current policies and programs in preventing VAC. The Monitoring and Evaluation frameworks should inform program design and facilitate the exchange of best practices and lessons among stakeholders. Member states must allocate dedicated budgets for monitoring and evaluating administrative and survey data on VAC.
84. The Guidelines recommend that Member States allocate adequate resources to child protection systems, including material, technical, and human resources to effectively prevent and respond to VAC. Child-centered budgeting is essential, and countries should invest in tools and techniques to assess the impact of government budgets on preventing and responding to VAC. The Guidelines also recommend mapping expenditures on VAC, establishing budget tracking systems, estimating required investments, and mobilizing resources. Member States should implement a multisectoral approach to address VAC, including mechanisms for prevention, identification, referral, investigation, treatment, and follow-up. One-stop centers should provide medical, legal, and psychosocial services for survivors of violence. Child protection workers should be trained on children's vulnerabilities to VAC, and criminal justice professionals should follow child-centered guidelines. Community outreach programs should challenge social norms and harmful gender roles that perpetuate VAC.
85. In conclusion, the presenter noted that the Guidelines revealed the importance of laws, policies, strategies, National Actions Plans (NAPs), institutional coordinating mechanisms, research, data collection, evidence-gathering, M&E, and disseminating evidence-based technical guidance documents, norms, and standards for preventing and responding to VAC.

86. Following the presentation, Committee members and participants gave feedback on the first draft of VAC Guidelines. They highlighted the need to strengthen the national implementation architecture, promote multisectoral partnerships and funding, recognize VAC in the legal system, and incorporate traditional African values in the guidelines. The importance of real-time data collection, one-stop centers for survivors of violence, and gender-responsive emergency responses were also emphasized.

## **Item 11 : Presentation and Discussion on Agenda 2040 Action Plan**

87. Mr. Anteneh Bizuayehu from the ACERWC Secretariat presented on the Draft Five-Year (2021-2025) Action Plan of Agenda 2040. He provided an overview of the background, implementation plan, strategic actions, and monitoring and evaluation framework of Agenda 2040. Agenda 2040 is aimed at advancing children's rights and well-being in Africa based on the African Charter on the Rights of the Child and aligned with Agenda 2063 and the SDGs.

88. Mr. Anteneh Bizuayehu briefly presented the assessment report of the first phase of implementation (2016-2020). Despite some progress made by member states in the significant variations and gaps across countries and regions still exist. Challenges faced include the lack of political will, inadequate resources, weak data systems, low awareness, poor coordination and collaboration, and emerging issues such as COVID-19, climate change, migration, and digitalization. The report also identified birth registration, child survival and health, quality education, protection against violence and abuse, child participation, and accountability as priority areas for intervention by member states and other stakeholders.

89. The implementation plan for the second five-year period (2021-2025) is based on different levels, including the continental level (African Union; ACERWC), regional level (Regional Economic Communities), and national level (Member States of the African Union, CSOs, and NGOs). Mr. Anteneh Bizuayehu presented the key considerations of the second five-year period, which reference the recommendation of the first five-year monitoring report, COVID-19 pandemic-related issues, ACERWC publications, and Agenda 2063. He also presented the five-year action plan matrix, which includes key priority areas, Agenda 2040 and Five-year expected targets, and Key Process Action towards 2025 for all 10 aspirations of Agenda 2040.

90. He concluded his presentation by thanking partners who provided inputs to the first draft action plan and stressing that challenges affecting implementation include political instability and conflicts in some regions of Africa, resource constraints and competing priorities that may limit the availability of funding and resources, and social and cultural barriers that may hinder the adoption of policies and practices that promote the rights and welfare of children.

91. Following the presentation, Committee members and participants reflected on the draft implementation plan and recommended prioritizing the promotion of all socio-economic rights of the child outlined in Article 1(1) of the Charter,

dissemination of General Comments and Model Law on children affected by armed conflicts, reintegration of victims of armed conflict, integration of children in host communities of conflict areas, clear and appropriately-resourced child protection structure at the Africa Union Commission level, strong emphasis on children's meaningful participation in climate change and climate financing/loss and damage, online safeguarding mechanisms to protect children from online harms and abuse, collaboration with CSOs to promote and disseminate Agenda 2040, enhancing meaningful participation of CWDs, and harmonization of children's rights standards/codes.

## **Item 12 : Presentation and Discussion- Study on The Impact of Climate Change on Children in Africa**

92. The Consultant, Prof. Benyam Mezmur, presented the first draft of the Continental Study on the Impact of Climate Change on Children's Rights in Africa. In his presentation, he emphasized that children in Africa are exposed to the effects of climate change in an unequal manner and that the study is urgent as the climate crisis is increasing, leading to unprecedented violations of children's rights across the continent. He further stated that the study's primary objective is to better understand the complexities and subjectivities of the connection between climate change and children's rights in Africa. Prof. Mezmur indicated that a regional perspective on climate change issues is essential, and the study aims to place children and their rights at the centre of its activities, despite some existing literature regarding children being at the periphery of interest to climate change researchers. He added that the African Children's Charter would be the starting point for the Continental Study, which will represent the issues in all five regions of the continent, differentiate between African countries and their priorities, and consider the African Union's position on climate change issues. Additionally, he provided an overview of the continental legal framework concerning children's rights in the context of climate change, highlighting the connection between the provisions of the Charter and climate change, including the right to health, food, education, social protection, and protection from violence.
93. Following Prof. Mezmur's presentation, participants in the discussion emphasized the need to expand the impact of climate change on children's access to food and nutrition in Africa. They noted that this is particularly important as climate change is causing droughts in many parts of the continent, including not just in eastern Africa but in other parts of the continent. Further to this, some participants stressed that climate change is resulting in new armed groups and fights among people, particularly farmers and cattle herders in the Sahel, leading to the recruitment of children into armed groups and their use in transporting weapons and ammunition. It was further suggested that the study should cover frequent flooding in some parts of the continent, such as Cameroon, which significantly impacts children's education and migration. In addition, the participants emphasized the need for the study to address the social impacts of climate change and pointed out that in communities where the climate crisis is prevalent, the incidence of child marriage is increasing and stressed the importance of exploring the link between climate change and issues, such as child marriage and

FGM. In addition, the significance of examining how children exercise their agency in response to climate change was emphasised. The participants also suggested the need for the study to analyse regional weather trends and their impact on children.

## **Item 13: Presentation and discussion by ACPF**

### **The Economic Case for Investing in Children in Africa: Investing in our Common Future (2021)**

94. Dr. Addis Yimer presented the findings of the African Child Policy Forum's 2021 report titled "The Economic Case for Investing in Children and Investing in our Common Future". He mentioned that the report was developed due to lack of a comprehensive African initiative that thoroughly analyses the economic importance of investing in children, examines the consequences of not taking action, and evaluates the policy implications based on children's rights. He explained that the objective of the report was to encourage investment in African children by showcasing the economic benefits, such as better child health outcomes and high economic returns. He pointed out that the report focuses on four key areas for investing in children: child health, nutrition, education, and social protection. He emphasized the substantial benefit-cost ratios of investing in childhood health in Africa and the significant gap in comprehensively assessing the economic importance of investing in children from a child rights perspective.
95. Further to this, he noted that investing in children's nutrition and education could yield high economic returns, with undernutrition programs having a benefit-cost ratio of up to 22:1, and basic education playing a critical role in increasing future earnings. He also drew attention to the unacceptably high economic cost of inaction, with malnutrition costing African economies up to 16% of GDP annually and children who experience stunting being 33% less likely to escape poverty as adults. Additionally, he stated that investing in child-sensitive social protection can bring high economic returns, but such investments are currently "invisible and underfunded" in Africa. Dr. Yimer concluded his presentation by outlining several priorities for policymakers and governments, including placing children at the centre of socioeconomic policy-making, increasing investments, and showing greater political commitment.

### **Good Practices on Child-Sensitive Economic Policies in Africa (2022)**

96. During his presentation on the report titled "Good Practices on Child-Sensitive Economic Policies in Africa," Dr. Shimelis Tsegaye emphasized that economic policies can significantly affect the development and well-being of children in Africa, a fact that policymakers tend to overlook. The report revealed a limited fiscal space for investing in children, and low tax revenue poses a significant constraint. Dr. Tsegaye also noted that pro-rich tax policies and fuel subsidies

can result in the loss of public revenue. Furthermore, he stressed the importance of addressing corruption and illicit financial flows, citing that Africa loses about 3.7% of its GDP annually to these activities. To illustrate, Dr. Tsegaye cited an example of Angola's National Asset Recovery Service recovering over \$5.2bn in embezzled funds. Dr. Tsegaye urged policymakers to prioritize child-sensitive economic policies and evaluate their impact on children before implementing them. He recommended that civil society organizations play a more active role in advocacy and suggested that the ACERWC establish a Committee Special Rapporteur and working group on Children and Economic Policies, along with a Day of General Discussion to consider developing guidelines or a framework that aligns child rights with economic policies at various levels.

#### **Item 14: Consideration of the Initial Report of the Republic Botswana**

97. The ACERWC welcomed the delegation from the Republic of Botswana to present the combined initial report for the period from 2003-2021 on implementing the African Charter on the Rights and Welfare of the Child (ACRWC). Honorable Mabuse Mopati Pule, the Minister of Local Government and Rural Development of the Republic of Botswana led the delegation of the Republic of Botswana. Hon. Pule provided a summary of the report by indicating that the Government of Botswana has adopted legal, political and administrative measures to ensure the realization of children's rights and domestication of the provisions of the ACRWC through the adoption of the Children's Act 2009, Domestic Violence Act 2008, amendment of Marriage Act and Penal Code and Anti-Human Trafficking National Action Plan (2018-2022), among others. Hon. Mabuse also shared the best practices, progress that the Government has made to implement the provisions of the ACRWC as well as the challenges that hindered Botswana children from effectively enjoying their rights.

98. Following the presentation, the Committee thanked Hon. Pule for the comprehensive presentation and commended the Government of Botswana for all the measures and initiatives undertaken to ensure the protection and promotion of children's rights in the State Party. The Committee further congratulated the Government of Botswana for withdrawing its reservation on article 2 of the ACRWC on the definition of the child. While the Committee appreciated the progress made by the Government of Botswana, the following concerns related to child protection were raised, and the Delegation provided further information and clarification. In the first round of questions, the Committee requested the Delegation to share, among others, the status of the National Children's Council (NCC) and what steps that have been undertaken to finance

the Council , the measures taken to prevent discrimination against children living in disadvantaged situations and the measures taken to ensure that child participation is inclusive in the State Party.

99. In response to the questions raised by the Committee, the delegation highlighted that Members of the NCC are continuously capacitated on their mandate under the Children's Act and various issues relating to the protection and promotion of children's rights. The delegation further highlighted that a budget is allocated to the NCC to facilitate the execution of its mandate and strengthen its engagement capacity. Concerning the prevention of discrimination against children living in disadvantaged situations, the delegation informed the Committee that in addition to the provisions of the Constitution of Botswana and the Children's Act, in which discrimination of any kind is expressly prohibited, specific measures had been put in place to promote equity in service provision and targeted interventions for different vulnerabilities were introduced. For instance, through the Orphans and Vulnerable Children (OVC) programme, children are supported to have full access to basic social services such as education and healthcare services, among others. Regarding child participation, the delegation indicated that child participation is facilitated through structures established under the Children's Act such as the National Children's Consultative Forum (NCCF) and Village Child Protection Committees (VCPC). The delegation further indicated that children elect themselves and the Government ensures that children with disabilities and those belonging to vulnerable groups are represented.
100. In the second round of questions, the Committee raised concerns related to corporal punishment, if it is prohibited in all settings and if the Government encourages various stakeholders, including teachers to use positive discipline measures. Moreover, the Committee requested the delegation to share the teacher-student ratio in the State Party and if pregnant girls are allowed to continue their education. The Committee further asked if refugee children access basic services, the status of child marriage in the country and noting that Botswana hosts refugees and received many migrants coming from neighboring countries, if the State Party has undertaken measures to address the issues related to FGM practices and other forms of harmful practices among refugees as well as migrant families and communities.
101. The delegation responded to the questions raised by indicating that corporal punishment is not prohibited in all settings and is still prevalent in schools, alternative care institutions, and at home. Concerning the teacher/student ratio, the delegation informed that the teacher/student ratio is 1/30. However, the delegation highlighted that some schools especially those located in rural and remote areas still have a high teacher/student ratio because they do not have sufficient teachers and school facilities. On the continuation of education for pregnant girls, the delegation indicated that measures have been taken to ensure



that expectant learners are allowed to continue with their education before and after delivery either at the same school or a new school, depending on their preferences. Regarding the accessibility of refugee children to basic services, the delegation indicated that there are public schools in the village where refugee children access education and a clinic where they access healthcare services. Concerning child marriage, the delegation indicated that child marriage is still practiced in some communities. And on the issue of FGM and other forms of harmful practices that can be practiced by refugees or migrant families and communities living in the State Party, the delegation indicated that as Botswana does not have the issue of FGM, it does not have laws or policies to prohibit and discourage the practice. The delegation thanked the Committee for the pertinent questions and indicated that the government should be proactive and ensure that this issue including other issues that were raised should be effectively addressed in the State Party.

102. In conclusion, the Committee thanked the delegation of the Republic of Botswana for the constructive dialogue and the measures taken to improve the promotion and protection of children's rights at the national and local levels. The Committee encouraged the Republic of Botswana to take additional measures to ensure the full implementation of the Charter. The Committee thanked the delegation and informed that the concluding observations and recommendations will be formulated and communicated to the State party in due course.

### **Item 15 : Consideration of the Periodic Report of the Republic Cote d'Ivoire**

103.

### **Item 16 : Consideration of the Periodic Report of the Kingdom of Lesotho**

104. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) received a delegation from the Kingdom of Lesotho to review their first periodic report. The delegation, led by H.E Pitso Lesaoana, the Minister of Social Development, was welcomed by the ACERWC. The Head of Delegation, introduced the members, who represented various government ministries, including Social Development, Health, Education, Home Affairs, and Justice. During the presentation, the delegation stated that the Lesotho Government has submitted its initial report, and their current presentation covers development since that time. It was further stated that the report reflects the current situation regarding children and the country's progress in implementing the Charter. The delegation highlighted progress made in child protection through coordinating mechanisms, but also identified challenges including increasing multidimensional



poverty among rural children, inadequate national coordination on child protection, budgeting issues, legal and policy frameworks, and Covid-19's negative impact on vulnerable children. The delegation concluded by stating that several initiatives will address these challenges, including the Bill of Children's Protection and Welfare Act (CPWA 2023), the National Child Protection Strategy 2021/2030, the National Coordination Manual adoption, and Costed Violence against Children Prevention and Response Plan implementation. Finally, the delegation noted the Lesotho Government's commitment to improving child-sensitive budgeting and implementing the Charter.

105. After the presentation by the delegation, the Committee praised the Kingdom of Lesotho for its commitment to implementing the provisions of the Charter and for making themselves available for the review of their report. The Committee subsequently opened the floor for the first cluster group of questions. During the review process, the Committee asked the delegation about a wide range of issues related to the various clusters of the rights of children in the ACRWC and their status of implementation in the Kingdom of Lesotho. These included questions about the status of the amendment of the Children's Protection and Welfare Act (CWPA) 2011, the operationalization of the Human Rights Commission, the domestication of the Hague Convention on intercountry adoption, and the budget status of monitoring and evaluating child rights. The Committee also inquired about the definition of a child in Lesotho, discrimination against various groups, health issues, early childhood care and development, inclusive education, and special protection measures for refugees and displaced children. Additionally, the Committee asked about the minimum age of criminal liability and steps taken by the State Party to protect children affected by conflict situations and children of imprisoned caregivers.
106. After the Committee Members asked their questions, the delegation responded by providing information and explanations to address the various issues raised. When queried about the issue of corporal punishment, the delegation emphasized that the law provides a clear definition of corporal punishment and strictly prohibits it in both school and community settings, the delegation emphasised the strict prohibition of corporal punishment in schools and communities and outlined the measures in place to address misconduct. The delegation stated that they educate communities on child protection and distribute materials on positive parenting and child protection laws. It was further confirmed that the CPWA Amendment Bill of 2023 has received cabinet approval and will be submitted to parliament for approval. The delegation clarified that the definition of a child is a person under the age of 18 and that the prohibition of child marriage will be included in the CPWA Amendment Bill of 2023, which will override the **any other** laws. The delegation noted that children participate in the law-making process and that the Hague Convention will be included in the CPWA Amendment Bill 2023, which will define the functions of the central authority and adoption agencies. Finally, the delegation stated that the Government has enacted a bill for the establishment of the Human Rights Commission, which is currently under consideration by Parliament.
107. The delegation responded to the Committee's inquiry on mobile registration, stating that it has been successful and has partnered with the World Bank and

the Global Grant to improve the process. The delegation also disclosed that teenage pregnancy rates are high at 19%, and the Ministry has implemented various interventions, such as minimum standards for adolescent services, friendly services, social accountability scorecards, and peer-to-peer education. The Ministry has also established safe spaces for adolescents to access healthcare and partnered with UNICEF for Early Childhood Care and Development. Regarding the topic of under-five mortality, the delegation noted under-five mortality rate is currently at 85 deaths per 1000 children, and that a community integrated management of illnesses has been introduced to address this issue. It was highlighted that nutrition is another concern, with stunting rates increasing due to a decrease in exclusive breastfeeding, which the Ministry aims to tackle through education on proper nutrition before pregnancy and community nutrition classes. On the matter of clean water, the delegation acknowledged that the Ministry of Health is aware of the challenges that persist with respect to clean water and WASH in general. It was noted that the Government is working with a consultant to develop training manuals and information communication materials to address the challenges of clean water and water, sanitation, and hygiene (WASH) in general. It was further mentioned that the Ministry of Health is collaborating with the Ministry of Water to provide sustainable solutions to these challenges. When asked about non-discrimination against children with disabilities, the delegation further stated that Lesotho's Community-Based Rehabilitation program has teams that help identify disabilities in children so that they can be enrolled in schools. It was also noted that the country implements the Inclusive Education Policy of 2018 and provides free primary education, assistive devices, and disability grants to ensure that children with disabilities are not left behind. Furthermore, in regard to the issue of early and teenage pregnancies among learners, the delegation has clarified that there exists a policy of education for all, wherein every child is entitled to receive an education without any form of discrimination. They mentioned that a draft policy is presently being prepared for a launch, which will guide school principals on how to support pregnant learners and facilitate their retention in school. They further noted that facilities such as the Good Shepherd are available to cater to the educational needs of teenage mothers, so that they may continue learning whilst also caring for their children. Regarding efforts to expand Early Childhood Development (ECD), it was noted that the Government has expanded the availability of reception classes in existing primary schools to increase access to early education. The Education Strategic Plan outlines the expansion of these reception classes and the provision of training and support for privately owned early childhood care and development centres. Regarding the question about the best interest of the child, the delegation emphasized the significance of the Initiation School Bill, which addresses the best interests of the child in the customary setting. On the topic of substance abuse, the delegation acknowledged that although there is an Act from 2008 to address substance abuse and a positive parenting booklet has been developed to address the issue, more needs to be done. Regarding children in care facilities, the delegation provided the current figures of 675 girls and 628 boys in such facilities. It was further mentioned that the CPWA discourages institutionalizing children, and institutional care is considered a last resort. The delegation highlighted the strong collaboration between the government, civil society organizations, and international partners to improve child protection initiatives. Regarding refugee and displaced children, it was further affirmed that the Government has amended

the law to include refugees in the population register, and a study on internally displaced children will soon be released. Regarding the child-friendliness of the courts, the delegation mentioned that the Government, in collaboration with World Vision and UNICEF, has made efforts to increase the child-friendliness of the courts, although there are challenges with regards to mobilizing resources for some of the districts' efforts.

108. It was further noted that the prevalence of HIV amongst adolescents in Lesotho remains high, and strategies are being developed to engage the boy-child, retain adolescents in school, and strengthen economic programs. Regarding the inquiry about the existence of a baseline for the use of corporal punishment as a form of discipline, the delegation clarified that section 16(2) of the CPWA specifies that a child should be disciplined in a manner that takes into account their age, physical, psychological, emotional, and mental condition. Additionally, the delegation emphasized that no form of discipline is permissible if the child, due to tender age or other reasons, is incapable of comprehending the purpose of the discipline. This particular provision serves as the foundation for any such form of chastisement. On the questions regarding the consent to sexual intercourse according to the Sexual Offences Act, the delegation acknowledged that the Act does not align itself with the CPWA and the Constitution's definition of the child and highlighted the need for amendment.
109. Concluding the presentation, the Hon. Minister expressed gratitude to the Committee and emphasized that the Government of Lesotho has given utmost importance to the initial report. The Minister stated that the Government has made efforts to engage every ministry concerned with the protection of children and appreciated the contribution of partners who support the government in its child protection efforts. The Minister underscored the significance of children as the future of Africa and expressed appreciation for the Committee's commendable work in safeguarding and promoting the well-being of children on the continent. Additionally, the Minister thanked the delegation for the commendable work in preparing and presenting the report during the session.
110. After thoroughly addressing the questions, the Committee expressed appreciation to the Government of Lesotho for presenting the periodic report and offered to share good practices from other States to help Lesotho strengthen its mechanisms for protecting children. The Committee advised the delegation that it would furnish the Government of the Kingdom of Lesotho with conclusive observations and recommendations within a timeframe of two months, and arrange for a monitoring mission to the country. The Committee expressed its appreciation to the Government of Lesotho for its backing of the Secretariat and the organ as a whole.

## **Item 17 : Consideration of the Periodic Report of the Republic of South Africa**

111. The ACERWC received the delegation from the Republic of South Africa for the consideration of the third periodic report for the period 2016-2021 on the implementation of the African Charter on the Rights and Welfare of the Child. The Delegation was led by Mr Linton Mchunu, Ag. Director-General/ Permanent Secretary: Social Development. In his opening statement, he indicated that since the submission of the last report in 2016, significant progress had been made to promote children's rights in South Africa. Mr Mchunu indicated that some of the notable achievements include the adoption of laws and policies on child protection; meaningful child participation including in law and policy formulation; improved budgets to support children; increased and improved food nutrition programs; improved child support grants; construction of health care facilities and community care centres in the rural areas; capacity building of health personnel to assist children with disabilities; provision of assistive devices for children with disabilities; and adoption of strategies to address climate change and to tackle online exploitation of children. Despite the progress noted, he however acknowledged that there are some challenges still faced by children such as to lack of access to Early Childhood Development by children in rural areas; increase in the number of cases of violence against children, and the intensifying cases of drug and substance abuse by children. He concluded by emphasizing that the Government of the Republic of South Africa remained committed to ensuring the promotion and protection of children's rights despite the challenges faced.
112. Following the presentation by the Head of Delegation, the Committee commended the Government of the Republic of South Africa for the progress made in the realisation of children's rights. The Committee sought clarification on several issues regarding the implementation of the African Children's Charter in South Africa. These include the reason why the State party has not withdrawn its reservation on the International Covenant on Economic, Social and Cultural Rights and for not ratifying the 3<sup>rd</sup> protocol to the Convention on the Rights of the Child on the Communications Procedure; the status of implementation of the District Development Model; and the status of the Marriages Bill. Further, the Committee requested the delegation to provide further information on the strategies adopted to curb racial discrimination and xenophobia; the measures taken to ensure meaningful participation of all children in issues affecting them, including children with disabilities; the measures taken to ensure expedient birth registration of all children; the support given to survivors of abuse and children in conflict with the law; and the measures in place to address bullying in schools.
113. Furthermore, the delegation was requested to provide more information on the measures taken to ensure access to basic services by refugees and migrant children; the support provided to children involved in conflict situations from neighbouring countries; the measures put in place to address harmful cultural practices; whether the state party has institutions to cater for children without parental care; the steps taken to address child trafficking; and how the state party protects the rights of children imprisoned with their caregivers. The Committee also sought clarification on the services offered to children who are survivors of drug and substance abuse; efforts made to bring justice to the victims of the

Enyobeni Tavern Disaster; and efforts made to ensure that taverns, beer halls and other similar outlets operate within the legal parameters.

114. In response to the issues raised, the delegation shared that regarding the ratification of the 3<sup>rd</sup> Protocol to the CRC, consultations were being made with other stakeholders and the state party will consider ratifying the Protocol once the consultations have been finalised. In curbing discrimination, the delegation highlighted that the Basic Education Laws Amendment Bill calls for the registration of all children in schools regardless of their documented or undocumented status. Further, the state party has a National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance and the government carries out awareness campaigns in collaboration with other stakeholders on racism and xenophobia. It was further indicated that representation of children from all races and provinces as well as children with disabilities is ensured in the selection of members of the child parliament. Regarding name and nationality, it was shared that there is a National Identification and Registration Bill in place which seeks to introduce a single and integrated biometric national identification system (NIS) for all persons living on South African territory. The delegation further highlighted that in the protection of children from abuse and torture, the Government implements the 365 days campaign program among other programs to raise awareness on child abuse and its impact and there is a Helpline for citizens to report cases of child abuse. The government also addresses bullying in schools through the adoption of the Anti-bullying policy and the implementation of social behavioural change programs among other programs.
115. Regarding children in conflict with the law, the delegation highlighted that accused children are placed in child and youth care centres where pre-trial diversion and life skills training programs are provided. Further, the state party has a child friendly justice system and court officials receive training on how to handle children alleged to be in conflict with the law. Regarding children without parental care, the delegation informed the Committee that there are child and youth care centres to accommodate orphans and abandoned children. In addition, efforts are made to reunify the children with relatives or to be put in foster care to avoid prolonged institutionalisation. In protecting children from harmful cultural practices, the delegation shared that various initiatives are carried out such as the training of traditional leaders and communities on the dangers of such on children. It was further highlighted that the updated version of the Marriage Bill which abolishes child marriages will be presented to the Cabinet by the end of May 2023.
116. On drug and substance abuse, the Committee was informed that investigations are still underway with regard to the Enyobeni Tavern Disaster that claimed the lives of children and the accused persons have appeared before the national courts, whilst on the other hand, a preliminary report for the inquest had been developed. Further, the state party is providing psychosocial support to families and friends of the victims. The delegation also noted that there are rehabilitation centres in place for children who use drugs and substances. However, the delegation highlighted that some children are diagnosed with mental illnesses due to the prolonged use of drugs and this is a challenge as the state party does not

have mental institutions for children. The delegation also shared that in combatting child trafficking, the Government engages communities especially in the hotspots on how to address the issue. Regarding children imprisoned with their caregivers, it was shared that the Government ensures that the children have access to basic services such as health care and adequate nutrition. The children also have designated units that are child friendly. Further, some children of imprisoned caregivers are placed in foster care in the event that there are no close relatives identified to take care of the children. Lastly, in relation to internally displaced children, refugees and migrant children, the delegation shared that efforts are made to reunify them with their families- taking into consideration the best interests of the child, and the Government ensures that these children have access to basic services.

117. In conclusion, the Committee thanked the delegation of the Republic of South Africa for the constructive dialogue and the measures taken to improve the promotion and protection of children's rights in the country. The Committee encouraged the Republic of South Africa to take additional measures to ensure the full implementation of the Charter. The Committee further informed the delegation that the concluding observations and recommendations will be formulated and communicated to the State party, following which, the Committee will conduct a follow up visit to monitor the implementation of its concluding observations and recommendations.

### **Item 18 : Consideration of CSO Complementary Report on the Periodic Report of Benin**

118. The report was not considered by the Committee as the CSOs couldn't make it to the Session.

### **Item 19: Consideration of CSO Complementary Report on the Periodic Report of Mozambique**

119. The Committee considered and deliberated on the complementary report on the periodic report of the Republic of Mozambique. The State Party's periodic report will be considered during the 42nd Ordinary Session.

### **Item 20: Consideration of CSO Complementary Report on the Periodic Report of Senegal**

120. The Committee considered and deliberated on the complementary report on the periodic report of the Republic Senegal. The State Party's periodic report will be considered during the 42nd Ordinary Session.

## Item 21 : Pending Communications

121. The Committee considered the following Communications and made decisions:

- i. Communication No: 0015/Com/003/2020 submitted by Taha Fadul, Nisreen Mustafa, Somia Shampaty and Nawras Elfatih (on behalf of Abbas Mohamed AL-Nour Musa Al-Emam, Modathir Alrayah Mohamed Badawi and Fadoul Almoula Aljaili Nourallah) against the Republic of The Sudan- **decided on the merit of the Communication.**
- ii. Communication No: 0017/Com/001/2021 -Child Rights and Rehabilitation Network, Institute for Human Rights and Development in Africa and Center for Human Rights (On Behalf of Children Affected by Witchcraft Accusations in Nigeria) against the Federal Republic of Nigeria- **the Committee declared the Communication admissible.**
- iii. Communication No: 0019/Com/001/2022- Institute for Human Rights and Development in Africa and Mr. Solomon Joojo Cobbinah (on behalf of school-girls living in villages along the River Offin in the Ashanti Region of Ghana) against the Republic of Ghana- **the Committee declared the Communication admissible.**
- iv. Communication No: 0020/Com/002/2022- Lawyers Associated for Human Rights in Africa (on behalf of Children of Jehovah's Witnesses) against the State of Eritrea- **the Committee decided to forward the revised communication to the State Party.**
- v. Communication No: 0021/Com/003/2022-People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi- **the Committee declared the Communication admissible.**
- vi. Communication No: 0022/Com/004/2022-Institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi- **the Committee declared the Communication admissible.**
- vii. Communication No:0023/Com/005/2022 IHRDA and Centre for Human Rights, University of Pretoria (On Behalf of Children in Nigeria) against the Federal Republic of Nigeria- **the Committee declared the Communication admissible.**

## Items 22 : Request for an Advisory Opinion

122. The Committee considered the request for an advisory opinion from IHRDA concerning the reservations made by the Arab Republic of Egypt, and decided to continue engaging the State Party through the diplomatic channels before issuing the requested opinion.

## Item 23: Presentation on Draft 2024 ACERWC Budget

123. The Secretariat presented the planned activities and budget for the year 2024.

## Item 24: Presentation on Audit Reports

124. The Secretariat of the Committee presented the report of the internal audit, where discussions were made on the issues highlighted in the report.

## **Item 25: The AU Champion on Children's Rights**

125. The ACERWC has agreed to work towards identifying a Child Rights Champion to advance the cause of the child in Africa at the political level. The Committee decided to engage the AU-Policy Organs on the same.

## **Item 25: Presentation and Adoption**

126. The Committee considered and adopted as amended the following documents:

- i. Study on the Status of Implementation of Decisions of the ACERWC
- ii. Study on Children's Rights and Business in Africa
- iii. Study on the Status of Children with Disabilities in Africa
- iv. Joint General Comment on FGM (pending the adoption by the ACHPR)
- v. ACERWC Guidelines on Children's Rights During Election
- vi. Implementation plan of Agenda 2040

## **Item 26: Request for Observer Status**

127. The Committee decided to grant an Observer Status to the following Organisations the Centre for Child Law based in the Law Faculty at the University of Pretoria and the Forum for African Women Educationalists Kenya.

## **Item 27: Request for Affiliate Status from NHRIS**

128. The Committee decided to grant affiliate status to the National Council for Human Rights of the Arab Republic of Egypt, the Commission on Human Rights and Administrative Justice from Ghana, the National Human rights council of Cote d'Ivoire.

## **Item 28: Adoption of Decisions**

129. The Committee decided to hold its 42<sup>nd</sup> Ordinary Session on **Nov 07-17, 2023**.

## **Item 29: Adoption of Session Report**

130. The Committee adopted as amended the report of the 41<sup>st</sup> Ordinary Session.



### **Item 30: Closing Remarks**

131. Vice- Chairperson of the ACERWC made a closing remark on behalf of the Chairperson of the ACERWC. In her remarks, she summarised the major activities undertaken and decisions made by the Committee during the Session. She particularly highlighted the need for increasing investment in children, the challenges of drug use by children, the reports that the Committee considered including State Party and complementary reports. She expressed her appreciation for the AU Reform Unit for the fruitful meeting and expressed her hope for the process to take the best interests of the child into consideration. She further thanked the Organs of the African Union and the Members of the AGA platform for their participation in the very first session on the synergy of action of the AGA members. She also expended appreciation to Member States, NHRIs, UN Agencies, Children representatives, and CSOs for attending in and supporting the Session. She particularly thanked the Government of the Kingdom of Lesotho for facilitating the organization of this session. She concluded her remarks by launching a solemn appeal to the belligerents in Sudan, to stop the conflict that has greatly influenced the situation of children in Sudan.