



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



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**EXECUTIVE COUNCIL**  
**----- Ordinary Session**  
**February 2024**  
**Addis Ababa, Ethiopia**

**ACTIVITY REPORT OF THE AFRICAN COMMITTEE OF EXPERTS  
ON THE RIGHTS AND WELFARE OF THE CHILD**

## INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established during the 37th Session of the Assembly of Heads of State and Government held in Lusaka in July 2001 in accordance with Article 32 of the African Charter on the Rights and Welfare of the Child (ACRWC);
2. As stated in Article 1 of the African Children's Charter, States Parties shall recognize the rights, freedoms and duties enshrined in the Charter and shall undertake the necessary steps to adopt legislative or other measures as may be necessary to give effect to the provisions of the African Charter on the Rights and Welfare of the Child;
3. The ACERWC is established to promote and protect the rights of the child and in particular to monitor the implementation of the African Children's Charter;
4. Pursuant to its mandate under the Charter, the Committee has undertaken several activities including consideration of State Party reports on the implementation of the Charter, consideration of Communications (individual complaints), adoption of various documents and other activities as stated in this Report;

Accordingly, the current report summarises the Recommendations and Decisions of the 41st and 42nd Ordinary Sessions of the Committee, which were held from 26 April-06 May 2023 and 08-17 November 2023 in Maseru and Addis Ababa, respectively, as well as other activities undertaken between January and December 2023.

## **ACTIVITIES OF THE ACERWC DURING THE REPORTING PERIOD (January-December 2023)**

### **ITEM 1: THE CURRENT MEMBERS OF THE ACERWC**

1. The ACERWC is composed of the following Members:
  - i. Hon. Wilson de Almeida Adão- Angola - Chairperson of the ACERWC
  - ii. Hon. Aver Gavar- Nigeria- Vice-Chairperson of the ACERWC
  - iii. Hon. Ann Musiwa-Zimbabwe- Rapporteur of the ACERWC
  - iv. Hon. Aboubekrine El Jeri- Mauritania- Member of the ACERWC
  - v. Hon. Theophane Nikyema- Burkina Faso- Member of the ACERWC
  - vi. Hon. Hermine Kembo Takam Gatsing-Cameroon- Member of the ACERWC
  - vii. Hon. Robert Nanima- Uganda- Member of the ACERWC
  - viii. Hon. Karoonawtee Chooramun-Mauritius- Member of the ACERWC
  - ix. Hon. Sabrina Gahar- Alegria- Member of the ACERWC
  - x. Hon. Ghislain Roch Etsan- DRC- Member of the ACERWC
  - xi. Hon. Poloko Ntshwarang- Botswana- Member of the ACERWC

### **ITEM 2: STATUS OF RATIFICATION, RESERVATION AND REPORTING ON THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

2. The African Charter on the Rights and Welfare of the Child (African Children's Charter) is currently ratified by 50 Countries. Five Countries are yet to ratify the Charter, namely, the Kingdom of Morocco, the Sahrawi Arab Democratic Republic, the Republic of Somalia, the Republic of South Sudan and the Republic of Tunisia. Three Countries have also made reservations on the application of some of the provisions of the Charter, namely the Arab Republic of Egypt, the Islamic Republic of Mauritania and the Republic of The Sudan. Among the countries who have ratified the Charter, 42 have submitted at least their initial report while 18 of them have submitted their periodic report. The following table summarizes the status of ratification, reservation and state party reporting under the African Children's Charter.

#### **2.1. Status of reporting on the implementation of the African Children's Charter, as of December 2023**

<b>Countries which have not ratified the African Children's Charter</b>	<b>Countries which have placed reservation on one or more of the African Children's Charter</b>	<b>Countries which have submitted Initial Reports</b>	<b>Countries which have submitted Periodic reports</b>	<b>Countries which have not yet submitted any report</b>
Kingdom of Morocco, Sahrawi Arab	The Arab Republic of Egypt, Islamic	Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cote d'Ivoire, Comoros, Congo,	Benin, Burkina Faso, Cameroon, Chad, Congo,	CAR, Cape Verde, DRC, Equatorial

Democratic Republic, Republic of Somalia, Republic of South Sudan and Republic of Tunisia	Republic of Mauritania and Republic of The Sudan	Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia and Zimbabwe	Cote d'Ivoire, Eritrea, Ethiopia, Guinea, Kenya, Lesotho, Malawi, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Tanzania, Uganda and Zimbabwe	Guinea, Gambia, Libya, Mauritius, and Sao Tome and Principe.
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### ITEM 3: SUMMARY OF ACTIVITIES

3. During the Reporting Period, the ACERWC has undertaken several activities executing its mandate. Though the report focuses on summarising the outcomes of the major undertakings, it would be essential to note the following activities conducted by the ACERWC:
  - i. Workshop on the implementation of decisions and recommendations of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/Committee) with NHRIs and CSOs, 23-24 February 2023, Nairobi, Kenya;
  - ii. Validation workshop on the continental study on the status of children with disabilities in Africa, 21-22 February 2023, Nairobi, Kenya;
  - iii. Advocacy Mission to South Sudan for the Ratification of the Charter, 12-14 April 2023, Juba, South Sudan;
  - iv. Advocacy Mission to the Republic of Cape Verde on reporting under the African Charter on the rights and welfare of the child on 17-20 April 2023
  - v. 41st Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and Working Group Meetings, 26 April-06 May 2023, Maseru, Lesotho;
  - vi. Day of General Discussion on the protection of children from substance use, 29 April 2023, Maseru, Lesotho;
  - vii. Commemoration of the Day of the African Child- 14-16 June 2023, Lusaka, Zambia;
  - viii. Follow-up Mission to the Republic of Zambia to monitor the status of implementation of the Concluding Observations and Recommendations, 19-21 June 2023, Lusaka, Zambia;
  - ix. Follow-up mission to the Kingdom of Eswatini to monitor the status of implementation of the Concluding Observations and Recommendations, 18-22 July 2023, Mbabane, Eswatini;

- x. Follow-up mission to the Republic of Sierra Leone to monitor the status of implementation of the Concluding Observations and Recommendations, 8-11 August 2023, Freetown, Sierra Leone;
- xi. Advocacy Mission to the Republic of the Gambia on reporting under the African Children's Charter- 29 August-01 September, Banjul, the Gambia;
- xii. Joint letter of urgent appeal by the ACERWC and the ACHPR to the Republic of the Gambia, 20 September 2023;
- xiii. Validation workshop on the draft General Comment on the Right to Education, 04-05 October 2023, Maseru, Lesotho;
- xiv. Launching and disseminating the ACERWC's Study on Children's Rights and Business in Africa, 07 September 2023, Addis Ababa, Ethiopia;
- xv. 42<sup>nd</sup> Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and Working Groups Meetings, 08-17 November 2023, Addis Ababa, Ethiopia;
- xvi. Validation workshop on the ACERWC's study on the impact of climate change on children in Africa, 03-04 November 2023, Addis Ababa, Ethiopia;
- xvii. Validation workshop on the draft African Union Guidelines on Child Safeguarding, 07 November 2023, Addis Ababa, Ethiopia;
- xviii. Launching of the ACERWC's study on children without parental care in Africa, 08 November 2023, Addis Ababa, Ethiopia
- xix. Launching of the Joint General Comment by the ACERWC and the ACHPR on FGM, 10 November 2023, Addis Ababa, Ethiopia;
- xx. Considered various State Party Reports, issued Concluding Observations and Recommendations, and developed a list of issues to various State Parties as discussed below;
- xxi. Adoption of various documents, including Guidelines and studies, as discussed below;
- xxii. Decisions and rulings on various Communications, as discussed below.

4. Focusing on the major activities, the sections below provide details on the outcomes of some of the undertakings.

#### **ITEM 4- STATE PARTY REPORTS, CONCLUDING OBSERVATIONS AND RECOMMENDATIONS**

5. Article 43 of the African Children's Charter gives the ACERWC a mandate to receive and consider State Party Reports on the implementation of the African Children's Charter. During the reporting period, the ACERWC has received and considered State Party Reports from the following State Parties.

##### **4.1. State Party Reports received and status of consideration during the reporting period**

<b>State Party</b>	<b>Report submitted</b>	<b>Status of consideration</b>
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The Republic of Botswana	Initial Report	Considered at the 41 <sup>st</sup> Ordinary Session in April/May 2023- Concluding Observations were sent
The Report of the Republic of South Africa	Periodic Report	Considered at the 41 <sup>st</sup> Ordinary Session in April/May 2023- Concluding Observations were sent
The Kingdom of Lesotho	Periodic Report	Considered at the 41 <sup>st</sup> Ordinary Session in April/May 2023- Concluding Observations were sent
The Republic of Djibouti	Initial Report	Considered at the 41 <sup>st</sup> Ordinary Session in April/May 2023- Concluding Observations were sent
The Republic of Cote d'Ivoire	Periodic Report	Considered at the 41 <sup>st</sup> Ordinary Session in April/May 2023- Concluding Observations were sent.
The Republic of Chad	Periodic Report	Considered at the 42 <sup>nd</sup> Ordinary Session Ordinary Session in November 2023- Concluding Observations yet to be sent.
The Republic of Mozambique	Periodic Report	It will be considered at the 43 <sup>rd</sup> Ordinary Session in April 2024.
The Republic of Senegal	Periodic Report	Considered at the 42 <sup>nd</sup> Ordinary Session Ordinary Session in November 2023- Concluding Observations yet to be sent.
The Republic of Benin	Periodic Report	Considered at the 42 <sup>nd</sup> Ordinary Session Ordinary Session in November 2023- Concluding Observations yet to be sent.
The Republic of Malawi	Periodic Report	It will be considered at the 43 <sup>rd</sup> Ordinary Session in April 2024.
The Republic of Zimbabwe	Periodic Report	It will be considered at the 43 <sup>rd</sup> Ordinary Session in April 2024.
The Republic of Rwanda	Periodic Report	It will be considered at the 43 <sup>rd</sup> Ordinary Session in April 2024.
The Republic of Niger	Periodic Report	It will be considered at the 43 <sup>rd</sup> Ordinary Session in April 2024.
The Republic of Namibia	Periodic Report	It will be considered at the 44 <sup>th</sup> Ordinary Session in October/November 2024.

#### 4.2. CONSIDERATION OF INITIAL REPORT OF THE REPUBLIC OF BOTSWANA

6. During its 41<sup>st</sup> Ordinary Session, the ACERWC received the delegation of the Republic of Botswana for consideration of the initial report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child. During the constructive dialogue the Committee notes with appreciation several legal, political and administrative measures adopted by the Republic of Botswana to domesticate the provisions of the ACRWC. The Committee notes with appreciation that the State Party, through the Children's Act (2009) has established the National Children's Council (NCC) to ensure the coordination and provision of oversight of all children's rights-related initiatives and activities at the national level. The Committee appreciates that the Children's Act has established a National Children's Consultative Forum (NCCF), which is advisory to the NCC and members of the Forum include ten children representatives from each district in the State Party. The Committee congratulates the Government of Botswana for withdrawing its reservation on article 2 of the ACRWC on the definition of the child. The Committee further appreciates that the Children's Act (2009) defines a child as any person below the age of 18.
7. Despite the progress, the Committee also notes areas of concern including: challenges of harmonizing the definitions of the child in the different laws of the State Party malnutrition is one of the major underlying factors contributing to child mortality, the high rate of variance against children, the challenges of children without parental care, high level of teenage pregnancy, the high prevalence of HIV transmission, high school dropout; low attendance, transition and completion rates; long distance to access education; lack of teaching materials such as textbooks; lack of infrastructure to accommodate children with disabilities; high turnover of staff, especially in rural and remote areas.
8. After examining the report, the Committee has sent its Recommendations to the Republic of Botswana, requesting the State Party to take various measures including:
- Strengthen the capacity of the Law Reform Unit to urgently harmonize all pieces of legislation with both the Children's Act and Article 2 of the ACRWC;
  - Improve its infrastructure and take all appropriate measures to prevent and protect children from vulnerable situations such as working in commercial farms, rural and remote areas, as well as children with disabilities, children born out of wedlock and those born from an act of rape or incest from various forms of discrimination;
  - Take all appropriate measures to improve the accessibility to quality healthcare services for women during pregnancy, childbirth and post-partum period;
  - Ensure antenatal and postnatal care services are available to all mothers and expectant mothers; healthcare facilities are well equipped and have sufficient and well-trained healthcare professionals; and, childbirth is assisted by skilled and well-trained birth attendants, especially in rural and remote areas ;
  - Intensify efforts to address issues affecting the life, survival and development of children such as child malnutrition, child mortality and morbidity, routine immunization coverage, HIV/AIDS mother-to-child transmission, access to drinking water and hygienic sanitation facilities, especially in rural and remote areas; and,
  - Take all appropriate measures to address the issues related to household food insecurity in the short and long run and urgently provide adequate food and nutrition to children;

- Organize public education and awareness-raising campaigns on the provisions of the Cybercrime and Computer Related Crimes Act, 2018; and ensure that the right to privacy is effectively protected in the online and offline environments for all children and in all settings;
- Take all appropriate measures to effectively prevent and address all forms of violence against children and provide victims with adequate remedies and support;
- Ensure that children in residential care facilities have access to quality education and healthcare services, developmental opportunities and alternative education programmes such as skills acquisition and vocational training;
- Ensure that institutional care is provided for the shortest time possible until a family-based care option can be found for the child;
- Conduct a national study on the prevalence of violence against children in the country, identify the causes and consequences of violence against children and inform the development of plans, strategies and programs related to child protection;
- Conduct a national study on the prevalence of violence against children in the country, identify the causes and consequences of violence against children and inform the development of plans, strategies and programs related to child protection;
- Allocate adequate resources to the education sector and put in place mechanisms to ensure that the budget allocations and actual expenditures on education are spent in an effective, equitable and sustainable manner;
- Improve the accessibility to quality public services for children with disabilities that are closed to their communities and provide psychosocial support and other necessary support to them; and
- Develop and fully fund targeted social protection programmes to support families living in extreme poverty who are at risk of involving their children in hazardous work.

#### **4.3. CONSIDERATION OF PERIODIC REPORT OF THE REPUBLIC OF CONGO**

9. During its 40<sup>th</sup> Ordinary Session, ACERWC received the delegation of the Republic of Congo for consideration of the periodic report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child. During the constructive dialogue, the Committee commends the Republic of Congo for the legislative, policy and other measures it has taken to effectively implement the provisions of the African Children's Charter. These measures include the Adoption of Law No. 2019-22 of June 17, 2019 on the fight against human trafficking; the Adoption of Law No. 2021-41 of 29/9/2021 on the right to asylum; the adoption of Law No. 2020-27 of June 5, 2020 on the fight against cybercrime; the implementation and evaluation of the 2013-2016 action plan for the promotion and protection of people living with disabilities and the development of the second version of the National Social Action Policy (PNAS) for the period 2018-2022.
10. Despite the progress, the Committee also notes areas of concern including: the definitions of the child formulated by various legislations are not harmonized with the Charter, disparity between urban and rural areas in terms of access to basic services, as well as



discrimination against marginalized children, discriminatory provisions against women and girls in Article 168 of the Family Code, the absence of data on the total number and percentage of children living with disabilities and the most widespread forms of disability in the Republic of Congo; low level of school retention rate in secondary education, the disparity in the attendance rate in secondary education between urban and rural areas and the net attendance rate of children from the most deprived households, the disparities that persist in access to education, particularly for children living in remote areas, the insufficient quantity and quality of teachers and the poor quality of equipment.

11. After examining the report, the Committee has sent its Recommendations to the Republic of Congo, requesting the State Party to take various measures including:

- Harmonize its definition of a child with the provisions of the Charter and provide clear provisions for setting the minimum age of marriage at 18 years, without any exceptions;
- Harmonize the age of marriage with Article 21 (2) of the Charter at 18 years for both boys and girls;
- Take the necessary measures to guarantee the accessibility of people living with disabilities to public buildings as provided for by Law No. 2019-6 of March 5, 2019 relating to the town planning and construction code;
- Improve access to equitable and quality maternal health, sexual and reproductive, neonatal and child health services;
- Continue the implementation of water supply, sanitation and basic hygiene programs, particularly in rural areas;
- Increase and strengthen investments in agriculture to ensure food security and fight malnutrition among children;
- Adopt and implement the program in the fight against childhood diseases and intensify awareness campaigns to promote the practice of breastfeeding;
- Intensify efforts aimed at preventing childhood illness and evaluate the two national programs to combat diarrheal diseases and malaria in order to optimize the functioning of the fight against these diseases;
- Establish the Children's Parliament with the regular holding of its sessions and sufficient budgetary allocation for its operation while ensuring that children in vulnerable situations, including girls and children with disabilities, are represented;
- Accelerate the adoption and implementation of the law establishing a special procedure for declaration and registration of birth, restoration of identity and reconstitution of birth certificate;
- Facilitate the systematic registration of births, in particular by increasing registration campaigns and catch-up sessions across the country and by raising awareness among the population of the importance of birth registration;
- Continue to protect the privacy of children in judicial proceedings and in other spheres such as media reporting and other administrative proceedings, and take measures to prosecute those who violate the right to privacy of children in application of the relevant legal provisions relating to the protection of child victims, in particular Articles 86 and 87 of Law No. 2010-4 of June 14, 2010 on the protection of children in the Republic of Congo;

- Take all appropriate legal, administrative, social and educational measures to eliminate corporal punishment and other forms of punishment and violence inflicted on children in the family, in homes, in schools and other institutions;
- Ensure that care or reception institutions comply with international standards and ensure that they are equipped with the necessary human, technical and financial resources;
- Strengthen the capacities of social action personnel and personnel working in care structures as well as those of people caring for children on respect for the rights of children deprived of parental protection and on the examination and handling complaints from children;
- Conduct a census on the total number and percentage of children living with disabilities in the Republic of Congo, and to ensure an assessment of forms of disability in order to adapt interventions to specific needs, by providing health and welfare services;
- Continue the implementation of the program to improve the supply of and access to health care and services to achieve universal health coverage;
- Take measures to reduce the school dropout rate, as well as guarantee access to education and vocational training, in particular for the benefit of children living in remote areas;
- Intensify efforts aimed at guaranteeing effective free schooling, including the coverage and elimination of hidden schooling costs, in particular for children in vulnerable situations;
- Create the refugee management body as provided for in the law on the right to asylum and ensure that the human, financial and technical resources necessary for its proper functioning are allocated;
- Establish and extend specialized juvenile courts and procedures in the rest of the country and provide them with sufficient resources and ensure that presidents of juvenile courts are appointed in all high courts.
- Implement the law on legal aid to ensure that children arrested and deprived of their liberty benefit, throughout the procedure, from their right to legal representation and a fair trial;
- Ensure that sentencing children to imprisonment is only a measure of last resort and that they are separated from adults in cases where they are sentenced to custodial sentences; and
- Submit its next report as per the requirements of the African Children's Charter.

#### **4.4. CONSIDERATION OF THE INITIAL REPORT OF THE REPUBLIC OF DJIBOUTI**

12. During its 41<sup>st</sup> Ordinary Session, the ACERWC received the delegation of the Republic of Djibouti for consideration of the initial report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child. During the constructive dialogue, the Committee commends the Republic of Djibouti for the legislative, policy and other measures it has taken to effectively implement the provisions of the African Children's Charter. These measures include the adoption of the Code of Legal Protection of Minors, the establishment of Universal Health Insurance; the amendments of the Family Code Law of 2002; the promulgation of Labor Code 2006; and the revision of the Nationality Code. The Committee welcomes the adoption of the various policies and

strategies and the establishment of institutions that play a great role in improving the protection of the rights and well-being of children. These include the Djibouti 2035 vision and its implementation frameworks, the Accelerated Growth and Employment Promotion Strategy (SCAPE); The National Children's Policy of 2023; The National Strategic Plan for Children in Djibouti (PASNED), the National Council for Children of 2013; The National Child Protection Platform, and The National Human Rights Commission.

13. Despite the progress, the Committee also notes areas of concern including: lack of updated data and statistics in the initial report, lack of adequate coverage of children's rights issues in the a Strategy for Accelerated Growth and Employment Promotion, lack of sufficient budget for institutions working on children's rights such as the National Council for Children, the National Steering Committee and the Technical Committee, the possibility of marriage of children with the consent of their guardians and the agreement of a judge, discrimination against the girl child in education, lack of a provision banning corporal punishment in all settings, high prevalence in child neglect and abuse, including sexual violence, inequalities in birth registration rates in the country, both between regions and between social groups.

14. After examining the report, the Committee has sent its Recommendations to the Republic of Djibouti, requesting the State Party to take various measures including:

- Update statistical information as much as possible in the next periodic report, to ensure the relevance and effectiveness of the assessment of children's rights;
- Ensure that the aspirations of Agenda 2063 of the African Union and Agenda 2040 for the children of Djibouti are taken into account in the formulation and implementation development policies;
- Ensure that bodies such as the National Council for Children, the National Steering Committee and the Technical Committee have an allocated budget to ensure their proper functioning and avoid duplication which could undermine their effectiveness.
- Prohibit marriage under the age of 18 without any exception;
- Take the necessary measures to address the gender disparities with regard to access to education;
- Ensure accessibility to basic social services for all categories of children in Djibouti, including children with disabilities and migrant children;
- Undertake public education and awareness programs on the harmful effects of corporal punishment and promote non-violent corrective measures.
- Operationalize the children's parliament and ensure the participation of all categories of children, including children living on the streets, children with disabilities, etc., in the process of parliamentary children's elections;
- Take measures to make birth registration systems accessible to all;
- Ensure that children who are of other religious faiths in Djibouti can enjoy their freedom of conscience and religion in accordance with the Charter;
- Take further action to completely eliminate FGM and prohibit child marriage in Djibouti;
- Ensure that health services are distributed equitably in all regions to allow better accessibility to health care for all children in all areas.

- Government take the necessary measures to reduce the placement of children in institutions, by developing a system for placing children in foster families and allocating the adequate budget to make this system functional;

#### **4.5. CONSIDERATION OF THE PERIODIC REPORT OF THE REPUBLIC OF COTE D'IVOIRE**

15. During its 41<sup>st</sup> Ordinary Session, the ACERWC received the delegation of the Republic of Cote d'Ivoire for consideration of the periodic report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child. During the constructive dialogue, the Committee commends the Republic of Cote d'Ivoire for strengthening the normative, institutional and operational frameworks relating to child protection and also for the various actions that have been undertaken by the Government of the Republic of Cote d'Ivoire such as the reforms that led to the adoption of the new Ivorian Constitution in 2016; Law N°. 2019-574 of June 26, 2019 establishing the Penal Code; Law N°. 2019-572 of June 26, 2019 on minority; Law N°. 2019-570 of June 26, 2019 on marriage; Law N°. 2019-571 of June 26, 2019 on filiation, which settles all disputes concerning the integration of children born out of wedlock; Law N°. 2019-573 of June 26, 2019 on succession. Also, the ACERWC noted that education in the Republic of Cote d'Ivoire has become compulsory for all children; free and targeted health care for children under 5 years old; productive social nets through cash transfers to vulnerable families among others.
16. Despite the progress, the Committee also notes areas of concerns including: the timetable for the adoption of the draft Code of the Child; the articulation of the child protection system, child care systems and the operational arrangements for foster families and the standard norms of institutions in charge of alternative care; the data collection system on the situation of children and the coordination and monitoring of sectoral interventions in the area of child protection; the limited resources allocated by the Government for the functioning of the National Human Rights Council; the right to participation for children through their Parliament ; the necessity to address the risk of statelessness of children, the situation of the children working in mining sector and cacao plantations; the eradication the phenomenon of children in street situations, the protection of children from child marriage and female genital mutilation (FGM) including measures taken to combat Gender-Based Violence; reporting and denunciation mechanisms for child victims of violence and exploitation.
17. After the consideration of the report, the Committee has sent its Recommendations to the Republic of Cote d'Ivoire, requesting the State Party to take various measures including:
  - Adopt a definition of the child in line with the Charter and to include clear provisions to set the minimum age of marriage to be 18, with no exceptions;
  - Adopt and implement the National Strategy for Inclusive Education (SNEI);
  - ensure the protection of children's right to privacy in legal proceedings, whether they are children in conflict with the law, child victims or witnesses;
  - Continue its efforts of deinstitutionalization, in particular the regulation of foster families by implementing the decree regulating foster families;

- Continue efforts to bring together and decentralize health services at different levels and ensure that health centers at all levels have the necessary facilities and human resources;
- Adopt the law on sexual and reproductive health and provide information for adolescent girls in schools and at community level in order to prevent early pregnancies;
- Adopt the law on school feeding and ensure the existence of canteens in all pre-school and primary schools by allocating the necessary resources to supply existing school canteens throughout the country;
- Continue efforts to improve participation and completion in primary and secondary education and tackle the factors that cause children to drop out of school, by raising awareness in the community and among families of the importance of education, strengthening the role of social workers in monitoring children enrolled to keep them in school and combating violence in schools;
- Strengthen the inclusiveness of the education system by ensuring that schools have teachers for children with special needs and adequate facilities and infrastructure adapted to meet the needs of children with disabilities;
- Ensure the effective implementation of existing legislation and other measures adopted to combat sexual violence against children and also ensure that all reported cases of sexual exploitation and abuse of children are investigated and perpetrators are prosecuted;
- Implement the national programme to combat FGM by allocating the necessary resources for its implementation;
- Intensify awareness-raising activities by organizing information and education campaigns to change behavior and raise awareness of the legal ban on female genital mutilation, and encourage the reporting of the perpetrators of these acts.

#### **4.6. CONSIDERATION OF PERIODIC REPORT OF THE KINGDOM OF LESOTHO**

18. During its 41<sup>st</sup> Ordinary Session, the ACERWC received the delegation of the Kingdom of Lesotho for consideration of the periodic report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child. During the constructive dialogue the Committee commends the Kingdom of Lesotho for the legislative, policy and other measures it has taken to implement the provisions of the African Children's Charter effectively. These measures include enacting the Persons with Disability Equity Act of 2021; Enacting the Counter Domestic Violence Act of 2022; Harmonising the Rights of Customary Widows with Legal Capacity of Married Persons Act of 2022; Developing various policies and reports, including the National Social Protection Strategy II 2021-2031, Inclusive Education Policy (2018), National Prevention and Response Plan on VAC 2023, Food and Nutrition Policy (2016), Lesotho Multi-dimensional Child Poverty Report 2021, and the Violence Against Children and Youth Survey 2018; Resuscitating and upgrading the Child Helpline; and implementing various programs and campaigns, such as the community-level roll-out of Child Protection Coordination structures like Community Council Child Protection Teams and Village Child Justice Committees, as well as campaigns addressing child marriage and exclusive breastfeeding.
19. Despite the progress, the Committee also notes areas of concerns including: about the absence of a dedicated structure for coordinating national action, planning, budgeting,

monitoring, and evaluation of children's rights; inconsistent laws, particularly the Lerotholi/customary law's definition of a child based on puberty, which permits the marriage of girls above 16 years; absence of provisions for granting citizenship to abandoned children in both the Constitution and the Citizenship Order of 1971; the increasing cases of gender-based violence (GBV); high rates of under-five, infant, and neonatal mortality, as well as stunting and wasting as the primary causes of child mortality and poor development outcomes; the persistence of teenage pregnancy, particularly among girls from rural areas and disadvantaged families; lack of adequate victim support services in magistrates' courts and the limited number of court intermediaries serving the entire country; and lack of legislative or policy framework for the protection of children of imprisoned mothers.

20. After examining the report, the Committee has sent its Recommendations to the Kingdom of Lesotho, requesting the State Party to take various measures including:

- Establish mechanisms and platforms that enable the active engagement of children and adolescents in shaping investments related to their well-being and monitoring their rights;
- Expedite the adoption of this Bill for the establishment of the Human Rights Commission and ensure the effective operation of the Human Rights Commission. In addition, the Committee recommends that a separate commissioner with expertise in children's rights issues be assigned to oversee matters pertaining to children's rights within the commission's purview;
- Recommends the government to harmonize inconsistent laws, including customary laws and ensure their alignment with the definition of the child enshrined under the African Children's Charter;
- Conduct a comprehensive review of all relevant legislation relevant to children with disabilities to ensure alignment with human rights laws and standards;
- Consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities and the Optional Protocols to the Convention on the Rights of Persons with Disabilities (CRPD).
- Strengthening initiatives to educate society about the importance of prioritizing the best interests of the child and transforming practices and attitudes that are not in the best interests of the child, such as corporal punishment;
- Align its national laws, regulations and policies with its obligations under international law and its Constitution, to guarantee the right of every child to acquire a nationality, and prevent childhood statelessness;
- Ensure free and universal birth registration for all children including in rural areas;
- Enact legislation that explicitly prohibits corporal punishment in all settings by law, including amending section 16(2) of the CPWA 2011, which permits the punishment of a child at a minimal level;
- Conduct regular sensitization efforts and engage religious and cultural leaders to challenge and change gender norms that perpetuate discrimination against girls;
- Provide free legal aid to victims of gender-based violence to ensure they have access to justice;
- Establishing and maintaining robust immunization programs;
- Promoting early and exclusive breastfeeding;

- Ensuring pregnant women have access to quality prenatal care, including frequent check-ups, screening and education on nutrition and hygiene;
- Implementing a robust, comprehensive and age-appropriate sexual and reproductive health education program;
- Developing targeted awareness campaigns that challenge harmful cultural norms, gender stereotypes, and misconceptions related to teen pregnancy;
- Promoting secondary education enrolment by enhancing accessibility, providing financial support, and raising awareness among parents about the importance of secondary education;
- Ensuring an equitable distribution of inclusive secondary schools across the country to reduce disparities in access;
- Strengthen awareness-raising initiatives concerning disability rights and inclusive education;
- Conduct regular capacity building in the justice sector and provide ongoing training for all Magistrates, with an emphasis on their role in upholding children's rights, including the prioritization of non-custodial sentences.
- Improve multisectoral coordination for monitoring and reporting of violence against children, and empower adolescent girls through the creation of safe spaces, increased adolescent-led advocacy, and life skills development;
- Set the compulsory school age at 15 to align it with the minimum employment age.

#### **4.7. CONSIDERATION OF PERIODIC REPORT OF THE REPUBLIC OF SOUTH AFRICA**

21. During its 41<sup>st</sup> Ordinary Session, 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. During the constructive dialogue, the Committee noted and appreciated the Government of the Republic of South Africa for undertaking a number of measures to realise the implementation of the provisions of the African Children's Charter. In particular, the Committee recognises the following measures as they meaningfully contribute to the country's journey towards the full implementation of the African Children's Charter: Enactment of the Social Assistance Amendment Act, 2020; Amendments to the Regulations to the Social Assistance Act, 2004; Enactment of the Customary Initiation Act; The adoption of policies, frameworks and strategies such as the National Plan of Action for Children (NPAC) 2019-2024, Children's Manifesto, National Child Care and Protection Policy (NCCPP), National Policy Framework (NPF) on Trafficking in Persons (TIP), Draft National Policy on the Prevention and Management of Learner Pregnancy in Schools, Child Offender Policy, Policy on Offenders with Disabilities, ECD Registration Framework, Youth Crime Prevention Strategy, Guidelines for the Provision of Policing Services, SOP on Policing of Vulnerable Children, and SOP for TIP, Victim Identification, Victim Assistance and Referral Systems; Making use of the African Children's Charter in the National Courts; Institutional mechanisms for the promotion and protection of the rights and welfare of children; Training of professionals working with or for children; and Community engagement and education.

22. Despite the progress, the Committee also notes areas of concerns including: non-ratification of relevant international instruments, such as the Third Optional Protocol to the CRC on the Communication Procedure; lack of accurate and disaggregated data on various important child rights indicators which is impeding the ability to make a proper assessment of the situation of children and determine progress on the implementation of the Charter; the proposed Children's Amendment Act has not explicitly increased the marriageable age to 18, and in terms of the Marriage Act 25 of 1961 and the Recognition of Customary Marriage Act 120 of 1998, children can get married with parental consent; the discriminatory practices against children of immigrant parents particularly in education and birth registration services; lack of enforcement of court orders related to birth registration; lack of access to quality health services in rural areas, lack of universal immunization, lack of access to clean water, and the impact of climate change, among others; the high prevalence of child labour in the informal sector; the high number of cases of sexual violence against children; the practices of harmful practices such as virginity testing; and incidences of forced circumcision in the State Party wherein, in some instances, children as young as 7 years are abducted for these purposes, and some traditional leaders doing this practice demand money from families.

23. After examining the report, the Committee has sent its Recommendations to the Republic of South Africa, requesting the State Party to take various measures including:

- To consider withdrawing its reservation under the ICESCR and ratify the Third Optional Protocol to the CRC on the Communication Procedure;
- Establish a systematic way of collecting disaggregated, sufficient, and reliable data on children;
- Harmonise the definition of the child under civil, customary, and common laws in line with article 2 of the Charter and to ensure the effective implementation of article 21(2) of the Charter, which prohibits child marriage and sets the minimum age for all types of marriages at 18, without exceptions;
- Place strong focus on the eradication of structural inequalities and discrimination in all legislative, policy and programmatic measures;
- Adequately monitor the implementation of the School Admissions Policy;
- Adequately monitor the implementation of the National Food and Nutrition Plan (2018-2023) and report on its effectiveness during its next report;
- Strengthen school nutrition programmes and expand feeding programmes to children in vulnerable situations and children living in the rural areas;
- Ensure compliance with all court rulings, amend the Births and Deaths Registration Act No 51 of 1992 (BDR Act) and other relevant laws and enact supporting regulations to strengthen the rights of all children to birth registration, identity documents, and nationality;
- Ensure that IDs are issued to children at 16 years of age as required by law without any hindrance;
- Strengthen preventative, positive discipline measures to curb violent behaviour in schools;
- Ensure that security staff are adequately trained to protect learners and effectively handle cases of violence in schools;



- Finalise and adopt the Implementation Plan for the Policy on the Prevention and Management of Learner Pregnancy in Schools;
- Continue its efforts in ensuring inclusive education for children with disabilities, including the mobilization of resources to support the education of children with disabilities;
- Increase the budgetary allocation for the health sector to increase the accessibility and quality of the health care offered by the Government, with particular attention being paid to the remote areas;
- Put in place water, sanitation and waste removal policies prioritising the provision of services to households where children are found;
- Facilitate intensive integration support and alternative care arrangements for refugee children;
- Systematically collect, monitor and make available information on child labour complaints as well as the types and numbers of inspections conducted, citations issued, prosecutions undertaken, and penalties applied in relation to child labour violations;
- Develop systems for providing children removed from hazardous work and worst forms of child labour with support services and training;
- Cooperate with local authorities, community leaders, religious and traditional authorities and local civil society organisations to implement policies and measures to prevent and combat sexual violence in both urban and rural areas.

## **ITEM 5: FOLLOW-UP AND ADVOCACY MISSIONS**

### **5.1. FOLLOW-UP MISSION TO MONITOR THE IMPLEMENTATION OF THE ACERWC'S CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF ZAMBIA, 19-21 JUNE 2023**

24. The ACERWC has undertaken a follow-up mission to the Republic of Zambia to monitor the level of implementation of the concluding observations and recommendations. The Mission aimed to undertake a constructive dialogue with representatives of the Government of Zambia to take note of the progress achieved, challenges faced, and available opportunities to ensure the effective implementation of the ACERWC's concluding observations and recommendations. The Committee also intended to bring stakeholders together to boost collaboration between the Government, UN agencies, CSOs, and other stakeholders. Moreover, the Committee sought to enhance and accelerate the implementation of its recommendations and ensure that the reporting cycle was maintained.
25. Following the assessment, while appreciating the progress, the Committee recommended that the Republic of Zambia:
  - Allocate sufficient funds for the implementation of child protection laws and expedite the harmonisation of laws and consequential amendment of other laws to be in line with the CCA and African Children's Charter;
  - Expedite the constitutional legislative amendment with regard to the Bill of Rights to include children's rights issues;

- Allocate adequate human, technical and financial resources to the NCCC to regularly organize coordination meetings at all levels and ensure the effective coordination of all children's rights initiatives at the national, provincial and district levels;
- Provide updated and disaggregated data on children to inform the development of national policies and programmes that specifically address current child rights issues and needs;
- Draft and submit the periodic report of the Republic of Zambia on the status of implementation of the African Children's Charter;
- Develop and implement guidelines for the best interest determination to be used by child rights actors from all settings;
- Urgently take all appropriate measures to provide adequate food and nutrition to children and prioritize the treatment of children who are suffering and are likely to suffer from malnutrition;
- Intensify efforts to address issues affecting the life, survival and development of children such as child mortality; HIV/AIDS mother-to-child transmission; disease outbreak and access to clean water and sanitation, especially in rural and remote areas;
- Allocate adequate resources to ensure the full operationalization of Children's Parliament; take concrete actions to implement the National Child Participation Framework effectively; and, ensure that children's views are considered in all decision-making processes including at the family, community, district, provincial, sub-national and national levels;
- Establish mobile registration centers in schools and in other settings to ensure the registration of all children including the registration of children born out of health facilities, particularly in rural areas;
- Ensure that all cases of VAC are promptly reported, investigated and prosecuted and children have access to effective remedies and reparations for the violation of their rights;
- Ensure that specialized Children's Courts are rolled out in other districts and they are provided with adequate human, financial and technical resources to effectively assist children in conflict with the law and enhance their access to justice;
- Ensure that the facilities of children in alternative care are child-friendly, clean and hygienic and conduct regular assessments to ensure that their living environment is in a child's best interests;
- Allocate adequate resources to Zambia Correctional Service to establish a separate place for children and their incarcerated mothers outside the prison and ensure that they have access to quality public services and basic needs, including, among others, access to early childhood education, child-friendly playgrounds and adequate housing and nutrition;
- Increase the budget allocation to the education sector to support the increased numbers of children coming back to schools with corresponding materials supplies, equipment and infrastructure expansion; hire additional teachers to reduce the teacher-pupil ratio and ensure the fair and equal distribution of teachers across schools and provinces and identify ways of retaining them, especially in rural and remote areas;

- Improve access to education for children with disabilities by ensuring that relevant school materials are available on audio recorder, braille, and large print and school infrastructure are accessible to them;
- Assess the impact of the National Strategy on Ending Child Marriage 2016 – 2021 and double its efforts to address the root causes of child marriages and other traditional harmful practices affecting children;
- Review the National Strategy on Ending Child Marriage 2016 – 2021 and continue to engage with traditional, community and religious leaders to address child marriage issues and other traditional harmful practices affecting children;
- Effectively implement the re-entry policy at all levels of education by ensuring that pregnant girls and teenage mothers are maintained in the education system;
- Ensure that inspections on child labour cover all areas in which children work, including registered and unregistered businesses and mining areas and ensure that labour inspectors have sufficient resources to address all child labour issues;
- spaces in all settings where adolescent boys and girls can access child-friendly Sexual and reproductive health and rights (SRHR) information and services;
- Address the root causes of children's rights issues in Zambia by developing effective social protection and poverty reduction programs for children and their families to reduce their intersectional vulnerabilities; and,

## **5.2. FOLLOW-UP MISSION TO MONITOR THE IMPLEMENTATION OF THE ACERWC'S CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE KINGDOM OF ESWATINI, 18-22 JULY 2023**

26. The ACERWC has undertaken a follow-up mission to the Kingdom of Eswatini to monitor the level of implementation of the concluding observations and recommendations. The Mission aimed to undertake a constructive dialogue with representatives of the Government of Eswatini to take note of the progress achieved, challenges faced, and available opportunities to ensure the effective implementation of the ACERWC's concluding observations and recommendations. The Committee also intended to bring stakeholders together to boost collaboration between the Government, UN agencies, CSOs, and other stakeholders. Moreover, the Committee sought to enhance and accelerate the implementation of its recommendations and ensure that the reporting cycle was maintained.

27. Following the assessment, while appreciating the progress, the Committee recommended that the Kingdom of Eswatini:

- Prioritize the establishment of child-sensitive social protection measures, addressing challenges and underfunding in the Child Services Department with a focus on stable leadership;
- Reevaluate and take necessary actions regarding the potential disbandment or relocation of the Child Services Department;

- Overhaul the budgeting system, including marked budgets for each subsector to ensure adequate resources for children's programs;
- Enhance engagement with CSOs, securing resources for the National Mechanism for Routine Follow-up (NMRF) to facilitate collaboration;
- Advocate for active promotion of child participation in decision-making, reviving structures like the Children's Parliament for meaningful involvement;
- Develop regulations and mechanisms to incorporate children's participation in court processes;
- Address discrepancies in the Marriage Act regarding the legal age for marriage;
- Eliminate fees associated with birth registration services and harmonize related legislation;
- Implement a comprehensive approach to explicitly ban corporal punishment throughout the country;
- Strengthen efforts to address violence against children, including community engagement and positive discipline campaigns;
- Engage partners for the full enforcement of the Child Protection and Welfare Act's (CPWA) regulations related to alternative care.
- Consider establishing social grant programs for child-headed families and explore options for expanding foster care;
- Continue measures to address malnutrition and stunting among children, advocating for increased government funding in the healthcare sector;
- Conduct a comprehensive review of the fee structure in primary education, exploring measures to eliminate top-up fees;
- Allocate funds for secondary education to improve access, especially in rural areas;
- Develop and implement strategies to address high levels of youth unemployment, indirectly impacting children's education;
- Construct new secondary schools in rural areas to reduce travel distances for learners;
- Conduct a benchmarking exercise to facilitate CPWA 2012 implementation, focusing on protection measures for children in conflict with the law;
- Ensure operational child-specific courts as established by CPWA, addressing issues like inadequate legal aid;
- Encourage diversion programs through the social welfare system as an alternative to formal court proceedings;
- Expand child-friendly courts and train magistrates on child-friendly practices;
- Address overcrowding issues in correctional facilities, ensuring hygiene, health, and safety standards;
- Expand the number of temporary shelters for survivors of gender-based violence, ensuring regional coverage;
- Continue awareness programs on the Sexual Offenses and Domestic Violence Act, collaborating with stakeholders for widespread dissemination;
- Launch the Family Strengthening and Positive Parenting Strategic to address familial issues and promote positive parenting practices;
- Submit its first periodic report to the Committee on the status of the implementation of the Charter.

### **5.3. FOLLOW-UP MISSION TO MONITOR THE IMPLEMENTATION OF THE ACERWC'S CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF SIERRA LEONE, 8-11 AUGUST 2023**

28. The ACERWC has undertaken a follow-up mission to the Republic of Sierra Leone to monitor the level of implementation of the concluding observations and recommendations. The Mission aimed to undertake a constructive dialogue with representatives of the Government of Sierra Leone to take note of the progress achieved, challenges faced, and available opportunities to ensure the effective implementation of the ACERWC's concluding observations and recommendations. The Committee also intended to bring stakeholders together to boost collaboration between the Government, UN agencies, CSOs, and other stakeholders. Moreover, the Committee sought to enhance and accelerate the implementation of its recommendations and ensure that the reporting cycle was maintained.
29. Following the assessment, while appreciating the progress, the Committee recommended that the Republic of Sierra Leone:
- Expedite the adoption process of the new Child Rights Bill 2022 as well as the amendment of the constitution, and ensure the amendments related to children issues including child marriage, FGM, adoption, diversion, corporal punishment among other issues are addressed in line with the charter;
  - Allocate sufficient resources to popularize, and implement all legislation and policies adopted during the period under review at national and district levels;
  - Allocate sufficient funds for the effective functioning of the Ministry of Gender and Children Affairs and the Ministry of Social Welfare as well as allocate budget line for child protection at local government level and adopt child friendly budgeting in resource allocation to all sectors;
  - Ensure that all sectors take due note of the best interests of the child in their policies, decisions and in all setting including police stations, courts and remand homes;
  - Intensify efforts to address issues affecting the life, survival and development of children such as poverty, child malnutrition, and access to drinking water;
  - Strengthen child participation structures in the country through formally establishment of children's parliament and ensure the Child Network Forum has sustainable formal structure, and avail necessary support and adequate resources allocation to their functioning to guarantee a meaningful contribution of children in decision-making processes and the promotion of their rights;
  - Increase budgetary allocation and improvement of human resources to support the National Commission for Persons with Disabilities and ensure the establishment of its offices at district levels;
  - Ensure diversion in juvenile justice is established by law and integrated into the overall legislative reform efforts and adopt the next child justice strategy;
  - Allocate adequate resources to the establishment of specialized juvenile courts and remand homes at regional and district levels; as well as more sexual offences model courts;
  - Review and regulate the formal foster care system in compliance with the minimum standards to ensure structured and quality family care and adoption;

- Review the Policy on Alternative Care for Children of 2012
- Adopt legislation prohibiting female genital mutilation and adopt the draft national strategy on FGM and implement it;
- Undertake robust awareness-raising on child marriage and FGM to promote behavior change and encourage reporting;
- Intensify efforts to ensure that adolescent girls have access to sexual reproductive health care services in school and out of school settings and fully operationalize the Ministry of Basic and Senior Secondary Education's initiative to integrate the Comprehensive Sexuality Education (CSE) into the basic education curriculum to ensure the sexual reproductive health education is provided in curriculum- based education as well as non-curriculum activities to prevent teenage pregnancy.
- Address the teacher's shortage by increasing the recruitment of qualified teachers including special needs trained teachers on sign language and Braille,
- Continue anti-trafficking efforts by increasing awareness raising activities and advocacy across the country and community engagements on positive parenting to prevent trafficking and encourage reporting as well as the implementation of the National Action Plan against Trafficking in Persons (2021-2023);
- Submit its first periodic report to the Committee on the status of the implementation of the Charter.

#### **5.4. ADVOCACY MISSION TO THE REPUBLIC OF SOUTH SUDAN FOR THE RATIFICATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 12-14 APRIL 2023**

30. The ACERWC carried out an advocacy mission in South Sudan, from April 12-14 2023. The Mission aimed to expedite the Charter's ratification and assess progress in implementing recommendations for children affected by armed conflict. Stakeholders, including Government Ministries, children's representatives, CSOs, and international organizations, were engaged. Positive developments were observed, such as the establishment of a children's parliament, juvenile courts, and one-stop centres. Access to free primary education has increased, inclusivity in schools has been promoted, and measures were taken to prevent child soldier recruitment and occupation of schools/hospitals.
31. Despite advancements, concerns were identified during the advocacy mission. These included delays in ratification of the Charter, the need to revise the Children's' Act and establish the Children's Commission, and the absence of child rights stakeholders in the constitutional-making process. The delegation noted that urgent action is required to address these gaps and ensure the protection of children's rights and welfare in the Republic of South Sudan.
32. The Committee recommended the following action points:
  - Government to intensify efforts to locate the ratification instrument and complete the ratification process of the Charter by the Republic of South Sudan.
  - If locating the ratification instrument is not possible, the Government is to initiate the process anew and expedite the ratification of the Charter by June 2023.

- The Government, in collaboration with CSOs and INGOs, and consultation with children, is to effectively implement the recommendations from the 2014 mission of the ACERWC.
- Concerning other raised issues such as the establishment of the Child Commission, revising the Child Act, and ensuring the participation of child-rights stakeholders in the Constitutional-making process, the Committee acknowledges the need for deeper engagement on these matters and commits to monitoring additional child-rights concerns in the country after the Charter is ratified by the Republic of South Sudan.

#### **5.5. ADVOCACY MISSION TO THE REPUBLIC OF CAPE VERDE ON REPORTING UNDER THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD ON 17-20 APRIL 2023**

33. The Republic of Cape Verde ratified the Charter in 1993; however, it has not yet submitted any report to the Committee. Building on its prior engagement with the Republic of Cape Verde for the submission of its report, the Committee conducted an advocacy mission to the Gambia to further engage in dialogue with the concerned Ministries of the State Party. The advocacy mission was held on April 17-20, 2023.
34. The Mission aimed to conduct constructive dialogues with various Ministries tasked with compiling and submitting State Party Reports, engaging children's representatives and stakeholders such as the National Human Rights Commission, UN Agencies, and CSOs.
35. From the Mission, the Committee noted that the State Party has an interministerial commission at the level of the Prime Minister's Office, responsible for preparing reports and implementing recommendations. The State Party reaffirmed the commitment to continue efforts with all stakeholders in the child rights protection system to strengthen the efforts made by the government in child protection at the national level to support all actions on implementing the Charter and to submit the report.
36. The Committee recommended to the State Party to allocate a sufficient budget for reporting under the Charter, undertake continuous capacity building training for officials who are tasked with coordinating the drafting of the Government's Report under the Charter, and Conduct consultation with children and various stakeholders in compiling the report to the Committee.

#### **5.6. ADVOCACY MISSION TO THE REPUBLIC OF THE GAMBIA ON REPORTING UNDER THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD ON 29 AUGUST – 01 SEPTEMBER 2023**

37. The Republic of The Gambia ratified the Charter on 30 March 2001; however, it has not yet submitted any report to the Committee. Building on its prior engagement with the Republic of the Gambia for submission of its report, the Committee conducted an advocacy mission to the Gambia to further engage in dialogue with the concerned Ministries of the State Party. The Advocacy mission was held on 29 August – 01 September 2023.

38. The Mission aimed at conducting constructive dialogues with various Ministries tasked with the compilation and submission of State Party Reports, engaging children's representatives and stakeholders such as the National Human Rights Commission, UN Agencies, and CSOs.
39. The Delegation noted with great appreciation the firm Commitment made by the Republic of the Gambia to submit its initial report in the first semester of 2024. The Minister of Gender, Children, and Social Welfare reassured the Delegation that the Ministry will take the lead in initiating and compiling the report on the Charter. The Delegation was further informed that a task force for the drafting of the report had been set up by the Ministry following the deliberations with the Minister. It was also agreed with the Government of the Gambia that the MGCSW assumes the main obligation of compiling State Party reports on the Charter while the Ministry of Justice retains general mandate to coordinate treaty body reports.
40. During the Mission, the Delegation learned that the State Party has recently drafted its report to the UN Committee on the Rights of the Child and it is awaiting clearance for submission. The Delegation encouraged the State Party to make use of the data in the existing report to the UNCRC and adapt it to the context of the Charter to fast-track the submission of the report and address the challenges of resources. Based on the findings of the Delegation, the Committee encourages the State Party to:
- Establish a National Mechanism for Reporting and Follow-up (NMRF) through legislation to ensure legitimacy and clarity of mandate as well as timely and continuous reporting on the Charter;
  - Allocate sufficient budget for reporting under the Charter;
  - Undertake continuous capacity building training for officials who are tasked with coordinating the drafting of the Government's Report under the Charter;
  - Strengthen child rights data management system; and
  - Conduct consultation with children and various stakeholders in compiling the report to the Committee.

## ITEM 6. COMMUNICATIONS

41. In line with its mandate under Article 44 of the Charter, during the reporting period, the Committee considered the following Communications and made decisions:
- i. 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.**
  - ii. 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.**



- iii. 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 the communication admissible.**
- iv. Communication No: 0021/Com/003/2022-People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi- **during its 41<sup>st</sup> Session, the Committee declared the Communication admissible and during its 42<sup>nd</sup> Ordinary Session upon the request of the Respondent State and with the consent of the Applicants, the Committee decided to settle the matter amicably.**
- v. Communication No: 0022/Com/004/2022-Institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi- **during its 41<sup>st</sup> Session, the Committee declared the Communication admissible and during its 42<sup>nd</sup> Ordinary Session, upon the consent the Parties, the Committee decided to settle the matter amicably.**
- vi. 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.**

## ITEM 7: RESEARCHES, GENERAL COMMENTS AND GUIDELINES

42. Pursuant to its mandate to undertake research, interpret the provisions of the Charter and establish standards, during the reporting period, the ACERWC has adopted the following studies, General Comments and guidelines:

- 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 of the ACERWC and the ACHPR
- v. ACERWC Guidelines on Children's Rights During Election
- vi. The Study on Climate Change and Children's Rights
- vii. The Guidelines on Violence Against Children

43. All these documents are available on the ACERWC's website ([www.acerwc.africa](http://www.acerwc.africa) ).

44. During the reporting period, the Committee has decided to conduct the following studies, guidelines and General Comments:

- Guiding Note on Reporting on Children with Albinism provided that the requesting partners support the process;
- Guidelines on Assistive Technology (AT) and devices and the rights of children with disabilities in Africa;
- Resolution on harmful practices against children with disabilities;
- Guidelines on developing policy briefs;
- Develop a Resolution on the promotion and protection of children's rights in the informal sector;
- Develop a Resolution on the seamless integration of a child rights-based approach in the implementation and monitoring of the AfCFTA;

- Guidelines on child rights due diligence in the Agricultural sector;
- General Comment on Children without Parental Care.

## ITEM 8- DAY OF AFRICAN CHILD (DAC)

### 8.1. COMMEMORATION OF DAC 2023

45. Following the Commemoration of the Day of the African Child (DAC) 2023 on 16 June 2023, on the theme “**The rights of the child in the digital environment**”, the ACERWC adopted an outcome statement where it recommended to Member States of the AU to:

- Develop online protection mechanisms including enacting laws and policies, creating software that block inappropriate websites, filter inappropriate content, and deter children from being exploited online.
- Establish rules on appropriate online conduct and punishing of offenders
- Create awareness amongst children about their rights in the digital context.
- Ratify and implement relevant international and regional Child Rights treaties that promote children’s rights online.
- Establish child-friendly spaces and children’s groups to enhance digital literacy.
- Promote equality and inclusion in the digital environment by ensuring all children including children from rural areas and children with disability have access to digital devices such as laptops and computers.

46. The Committee encourages Member States to report on the commemoration of the DAC; and ensure that the commemoration of the DAC is constructive and innovative at the national level; and, during the commemoration, take all appropriate measures to involve the religious leaders as well as traditional and community leaders in the promotion and protection of the rights of the child. Furthermore, the Committee encourages that efforts need to be in place to ensure that the activities and the agenda during the celebration of the DAC are made in child-friendly languages that make it easy for children to participate confidently and adequately in all matters that concern them.

### 8.2. THEME OF THE DAY OF THE AFRICAN CHILD 2024 AND 2025

47. It is to be recalled that, upon the recommendation of the ACERWC, the Executive Council Decided for the theme of the Day of the African Child for the year 2024 be on **‘Planning and Budgeting for Children’s Rights: Progress since 2010’**. However, the ACERWC notes that the theme of the AU for the year 2024 is on education. In this regard, during its 42<sup>nd</sup> Ordinary Session the Committee deliberated thoroughly and decided that it would be more beneficial to align the theme of the Day of the African Child with the theme of the AU for the year 2024. Focusing on education and aligning this to the AU theme 2024, the Day of the African Child 2024 presents an ideal opportunity to spotlight the right to education. In addition, the theme comes at an opportune moment when the Committee is working on a General Comment on Education. This will create more attraction towards this process and act as a springboard for the dissemination of the General Comment. In this regard, the Committee proposes for the theme of the Day of the African Child 2024 to be **‘Education for all children in Africa: the time is now’**. The Committee further proposes

for the previously selected theme for the year 2024; i.e., ***'Planning and Budgeting for Children's Rights: Progress since 2010'***, to be postponed to the year 2025.

## **ITEM 9: DAY OF GENERAL DISCUSSION ON PROTECTION OF CHILDREN FROM DRUG USE**

48. The ACERWC notes that challenges persist concerning protecting children from substance use and employing effective prevention measures. The lack of readily accessible, trustworthy, and comparable data on substance use in Africa makes it difficult to comprehend the scope, associated patterns, and health effects, especially in light of population growth. Most of the continent's drug prevention, treatment, and care are not evidence-based, even though there are examples of some great best practices in certain countries. The options for full aftercare, which includes chances for education, economic empowerment, and sustainable lifestyles, are limited to nonexistent for those who complete treatment for substance use. Thus, substance use poses consequences and risks that inflict on the rights and welfare of children, including but not limited to the right to education (article 11), health (article 14), parental care and protection (article 19), and indeed, protection from substance use (article 28).

49. In light of these facts, the ACERWC, in collaboration with HHS, held a Day of General Discussion on protection of children from substance use during its 41<sup>st</sup> Ordinary Session on 29 April 2023.

50. The following main objectives guided the Day of the General Discussion:

- To discuss the nature and scope of substance use among children/adolescents in Africa and identify possible solutions and preventive measures;
- To discuss the laws, mechanisms, and institutions within African countries to protect adolescents from substance use;
- To identify barriers to protecting children from substance use and accessing prevention measures in Africa;
- To assess the challenges and deliberate on possible solutions to addressing the challenges faced by children who use substances;
- To create a platform for countries to exchange best practices and challenges concerning enactment and implementation of legislation and policy framework, and institutional responses and responsibilities relating to substance use; and
- To examine the role of the state, family, community, and other stakeholders in addressing matters of substance use among adolescents.

51. After deliberations, the participants of the Day of General Discussion recommended Member States of the African Union to:

- Ensure access to treatment and care services by victims of drug and substance abuse in collaboration with health and social support service providers;
- Conduct studies at local and national levels to collect data on drug abuse by children to result in the compilation and publication of reliable statistical information on the issue;

- Adopt appropriate regulatory frameworks to hold businesses accountable where they are found to have advertised and supplied drugs to children, including through the internet;
- Strengthen engagements with parents, caregivers, schools, and communities when designing and implementing comprehensive drug prevention initiatives;
- Prioritise enhancing the capacity and accountability of law enforcement agencies to enforce existing laws and regulations on substance use, to curb drug abuse and trafficking; and
- Work towards improving the availability and quality of health care services for substance users, with a particular emphasis on harm reduction, treatment, rehabilitation, and recovery, to promote the well-being of those affected by drug use.

52. The ACERWC further recommends for the African Union Commission to:

- Establish and strengthen national drug epidemiology networks in Africa, linked to the Pan African Epidemiology Network on Drug Use (PAENDU), to improve drug use monitoring and analysis across the continent;
- Establish an inclusive and balanced African Civil Society platform to facilitate unified contribution to regional drug-related dialogues and policy development and
- Ensure the full implementation of the African Union Plan on Action on Drug Control and Crime Prevention (2019 - 2023) by supporting Member States in combating drug trafficking and organized crime.

#### **ITEM 10: JOINT LETTER OF URGENT APPEAL TO THE REPUBLIC OF THE GAMBIA**

53. The ACERWC and the ACHPR have sent a joint letter of urgent appeal to the Republic of the Gambia on issues concerning Female Genital Mutilation (FGM) and the Law in the Gambia. Recognising the effort that the Republic of the Gambia has employed in banning FGM, the Committee and the Commission expressed deep concern on the regressive Parliamentary debate advocating for the repeal of laws that prohibit FGM in The Gambia. Through the letter, The ACERWC and the ACHPR appealed to the Government of The Gambia to safeguard girls and women from the harmful practice of FGM. The letter also urged the Government to uphold the fundamental principle of non-discrimination and to respect the rights of women and girls to dignity and their right to physical and mental health while eradicating harmful cultural practices, as enshrined in Articles 16 and 19 of the Maputo Protocol and Article 21(1) of the African Children's Charter.

#### **ITEM 11. MATTERS OF HOST COUNTRY AND HUMAN RESOURCES MATTERS AT THE SECRETARIAT OF THE ACERWC**

54. Pursuant to the Decision of the Executive Council, EX.CL/Dec.1010 (XXXIII), where the Council Decides for the Kingdom of Lesotho to host the Secretariat of the ACERWC, the Secretariat of the ACERWC is now based in Maseru, the Kingdom of Lesotho. The Host Country has provided what is required under the Host Agreement to the Secretariat of the ACERWC. The ACERWC appreciates the support that the Host Country provides for the

smooth operations of the Secretariat of the ACERWC. However, the ACERWC, notes that some elements of the host agreement, such as the construction of the permanent office premises is yet to be complied with by the Host Country.

55. For the Committee to effectively deliver on its mandate, it requires a professional, effective, capacitated, well-staffed and competent Secretariat. Due to the increasing visibility of the Committee, the ACERWC is now receiving more State Party Reports and Communications (Complaints). The need to strengthen the Secretariat in terms of financial, human, and material resources, is very critical. It was with due recognition of this fact that the Assembly approved the revised structures of the Secretariat of the ACERWC (Assembly/AU/Dec.750 (XXXIII)). In this regard, considering the urgent needs of the Office, the ACERWC requested to recruit regular and short-term staff, where the process is awaiting finalisation. Noting the heavy workload, resulting in a considerable delay in the recruitment of staff at the headquarters, the ACERWC pleads with the Executive Council to have a delegated power of recruiting its staff, which would also go in line with its autonomous nature as it applies with other sister Organs.

## **ITEM 12: RECOMMENDATIONS**

56. In conclusion, the African Committee of Experts on the Rights and Welfare of the Child would like to draw the attention of the Executive Council on the following issues:

- ✓ To encourage the Kingdom of Morocco, the Sahrawi Arab Democratic Republic, the Republic of Somalia, the Republic of South Sudan and the Republic of Tunisia, which have not yet ratified the African Children's Charter to expedite the ratification of the Charter;
- ✓ To congratulate State Parties which have submitted their reports on the implementation of the African Children's Charter and urge State Parties, which have not yet reported to the Committee to comply with their reporting obligations;
- ✓ To appreciate Member States for the measures they have undertaken in commemorating the Day of the African Child for the Year 2023 on the theme- "The rights of the child in the digital environment" and encourage Member States to implement the recommendations of the Committee and report on the same;
- ✓ To appreciate the Republic of Eswatini, the Republic of Zambia, and the Republic of Sierra Leone for the measures they have undertaken in implementing the recommendations of the Committee and encourage the same to fully comply with the Concluding Observations and Recommendations of the ACERWC;
- ✓ To appreciate the commitment of the Republic of South Sudan to ratify the Charter and for the Republic of Cape Verde and the Republic of The Gambia to submit in the coming months the reports on the implementation of the Charter,
- ✓ To welcome the development and adoption of the following documents and calls on Member States to make use of the content of the documents in ensuring the rights and welfare of children in their respective territories and comply with their obligations under the African Children's Charter:
  - Study on the Status of Implementation of Decisions of the ACERWC
  - Study on Children's Rights and Business in Africa

- Study on the Status of Children with Disabilities in Africa
  - Joint General Comment on FGM (pending the adoption by the ACHPR)
  - ACERWC Guidelines on Children's Rights During Election
  - The Study on Climate Change and Children's Rights
  - The Guidelines on Violence Against Children
- ✓ To adopt the theme for the Day of the African Child for the year 2024 to be "**Education for all children in Africa: the time is now**" and the theme for Day of the African Child for the year 2025 to be '**Planning and Budgeting for Children's Rights: Progress since 2010**'.
  - ✓ To appreciate the Republic of Botswana, the Republic of Congo, the Republic of South Africa, the Kingdom of Lesotho, the Republic of Djibouti, the Republic of Chad, the Republic of Mozambique, the Republic of Cote d'Ivoire, the Republic of Senegal, the Republic of Benin, the Republic of Malawi and the Republic of Zimbabwe, and the Republic of Rwanda for submitting their Reports on the implementation of the African Children's Charter;
  - ✓ To call on the Republic of Congo, the Republic of South Africa, the Kingdom of Lesotho, the Republic of Djibouti, and the Republic of Cote d'Ivoire to implement the recommendations of the ACERWC;
  - ✓ To call on Member States of the African Union to take measures to protect children from substance use;
  - ✓ To call on the Republic of the Gambia to protect women and girls in the Republic by upholding the appropriate laws and measures already in place to ensure that FGM practices remain effectively prohibited in the Republic of The Gambia;
  - ✓ Encourage the Republic of Malawi, the Republic of Rwanda, the Republic of Mozambique and the Republic of Zimbabwe to present their reports at the upcoming Session of the ACERWC during the coming ACERWC Session in April 2024;
  - ✓ To reiterate the importance of the Communications procedure of the ACERWC established pursuant to Article 44 of the African Children's Charter and call on the concerned Member States to comply with their obligations under the Charter by responding to the Committee's requests and implementing the Committee's decisions;
  - ✓ Appreciate the Kingdom of Lesotho for ensuring the smooth operations of the Secretariat of the ACERWC; and encourage the same to fully implement the terms of the Host Agreement, including construction of the permanent office premises;
  - ✓ Request the AUC to expediate the finalisation of the recruitment of the ACERWC Secretariat's staff, and advise on the possibility of allowing the ACERWC to recruit its own staff.