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**28<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
21 OCTOBER – 1<sup>st</sup> NOVEMBER 2016  
BANJUL, THE GAMBIA**

**ACERWC/RPT (XXVIII)  
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**DRAFT REPORT**

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

**I. INTRODUCTION**

1. The 28<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child was held at Paradise Suites Hotel in Banjul, the Gambia, from 21 October to 1<sup>st</sup> November 2016.

**II. ATTENDANCE**

2. The meeting was attended by nine members of the ACERWC, Representatives of the African Union Commission, Representatives of Chad, Eritrea, Cameroon, Ghana, Kenya, Malawi, Mauritania, Senegal, Representatives of CSOs of Cameroon, Cote d'Ivoire, Comoros, Ghana, Mauritania, Sierra Leone, Representatives of United Nations Children's Fund (UNICEF), United Nations High Commission for Refugees (UNHCR), Save the Children, Plan International, World Vision International (WVI), The African Child Policy Forum (ACPF), International Committee of the Red Cross (ICRC), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), African Movement of Working Children and Youth (AMWCY), SOS Children's Villages International, Child Rights Network for Southern Africa, Institute for Human Rights and Development in Africa (IHRDA), Zimbabwe National Council for the Welfare of Children (ZNCWC), Global Initiative to End All Corporal Punishment of Children, Eastern Africa Child Rights Network (EACRN), Initiative for Social and Economic Rights (ISER), Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Serian Foundation, ChildFund International, International Institute for Child Protection, SOS Esclaves, Minority Rights Group International (MRG), International Lawyers, Sonke Gender Justice

**ITEM 1: JOINT OPENING CEREMONY**

3. As part of the commemoration of the African Human Rights Year, a joint opening session was held by the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child. During the opening, representatives from the following institutions and organs delivered speeches; the NGOs steering Committee, National Human Rights Institutes, the African Peer Review Mechanisms, AU Commission on International Law, AU Advisory Board on Anti-Corruption, Pan African Parliament, the African Court on Human and Peoples' Rights, AUC, ACERWC, the ACHPR and the Islamic Republic of the Gambia.

4. Representing the ACERWC, Mr. Joseph Ndayisenga, the 2nd Vice-President of the Committee, delivered a speech during the joint opening ceremony. In his address, Mr Ndayisenga highlighted the work of the Committee over the past years in the implementation of the African Charter on the Rights and Welfare of the Child. He indicated that an encouraging pace has been recorded in the past few years with regard to the number of

State Parties reports and communications before the Committee. He called on Member States which have not yet ratified the Charter and those which have not yet reported to do so.

5. He further called on Member States to consider facilitating the amendment Article 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights with a view of allowing the committee to directly access to African Court on case involving violations of children's rights. Finally, he requested for the provision of an increased human and financial resources to the Committee so that it can effectively carry out its mandates.

6. Following the speeches, Hon. Mama Fatima Singhateh, attorney General and the Minister of Justice, presented her remarks and declared that 59th Session of the ACHPR and the 28th Ordinary Session of the ACERWC are officially opened.

### **Swearing in of the new Committee Member**

7. The swearing in ceremony of the new Committee Member Mr Mashamba Clement has been postponed until further notice.

### **ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (CLOSED SESSION)**

8. The Chairperson Prof. Benyam started by informing the Members present that although the requirement for a quorum was met to enable them proceed with the Session, two of their colleagues were not able to make it to the session and that Dr Mashamba Clement, who was supposed to be sworn in, was unable to make it to Banjul and has informed him that he was still in Dakar but was hoping to make it to the session by the next day.

9. He encouraged the Committee to be paper smart with respect to their work and urged all Members to make best use of electronic material considering the fact that it would have been a great exercise to transport all the hard copy materials from Addis Ababa to Banjul. However, he noted that exceptions would be made where necessary.

10. The Chairperson further mentioned that the Government of The Republic of Sierra Leone, due to their own inconvenience, would not be attending the session as planned and had therefore requested that the review of their State Report be postponed. The Committee agreed to postpone these deliberations until the next session in April 2017.

11. In the same vein, the alternative Report of Angola will be considered in April 2017 as it has to be translated from Portuguese to the working languages of the Committee.

12. The Chairperson informed the Committee that he met the UN Special Rapporteur on the Rights of Women and Children and the Chairperson of the African Commission on Human and Peoples Rights who agreed to allocate the Committee at least one hour for the Joint Adoption of the General Comment on Child Marriage.

13. He urged everyone to be time conscious to enable sessions to begin and end on time.

14. The following members were identified to be rapporteurs for the following State Reports:

- Eritrea- Ms. Goitseone Nanikie , Ms. Aver Gavar and Mme Suzanne Aho-Assouma;
- Ghana- Ms. Aver Gavar, Prof Benyam Dawit Mezmur and Dr Clement Mashamba;
- Sierra Leone- Ms. Goitseone Nanikie and Prof Benyam Dawit Mezmur.

15. The following members were selected to be rapporteurs for CSO reports:

- Chad- Mr Joseph Ndayisengaj, Ms. Dikere Marie-Christine Bocoum and Mr. Mohamed HMeyada
- Comoros- Mr. Mohamed HMeyada, Mrs Sidikou Aissatou and Dr Clement Mashamba
- Cote d'Ivoire: Mrs. Suzanne Aho-Assouma and Mr Joseph Ndayisenga
- Tanzania: Prof Benyam Dawit Mezmur and Ms. Goitseone Nanikie

### ITEM 3: PROCEDURAL MATTERS

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

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

- **Organization of work**

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

### ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

18. **United Nations Children's Fund (UNICEF):** Ms Louise Holly, Representative of UNICEF Liaison Office, in delivering a statement on behalf of UNICEF, acknowledged the significance of the 28<sup>th</sup> Session taking place during the AU's Year of Human Rights alongside other African Human Rights Organs. She informed the Committee that UNICEF continues to engage with State Parties to encourage full ratification and reporting on the African Charter on the Rights and Welfare of the Child (ACRWC) and, with civil society organisations to support them prepare Complementary Reports. Ms Holly welcomed the Committee's decision to hold a consultation on violence against children and commended the Committee's leadership on issues such as children with albinism, fight against child marriage and the protection of children affected by armed conflict. She further welcomed the upcoming adoption of the Committee's report on Children Affected by Armed Conflict and the Africa's Agenda for Children for the coming 25 years (Agenda 2040). The Committee was encouraged to use its mandate to ensure that State Parties fully implement the provisions of the Charter and achieve the child-related targets of the Sustainable Development Goals (SDGs) and Agenda 2063, and to maximize the opportunities presented in 2017 by the AU's Year on Harnessing the Demographic Dividend through Investment in Youth.

**19. United Nations High Commissioner for Refugees:** Ms Michele Apala Donfack, Liaison Officer, UNHCR-RAVECA, delivered a statement and stated that 51% of the world's forcibly displaced people are children. In Africa – this percentage is typically much higher. E.g. up to 65% of the refugees from South Sudan and Burundi are children. She emphasised that whether they are refugees, asylum-seekers, internally displaced or stateless or not, children are at greater risk of abuse, neglect, violence, exploitation, trafficking or forced military recruitment. They may also have witnessed or experienced violent acts and/or been separated from their families. Forced displacement further exacerbates their pre-existing vulnerability and put them at greater risk of violation of their rights. In concluding her remarks, she reaffirmed the need for States to ratify, domesticate and implement the ACRWC, the 1969 OAU Convention and the Kampala Convention and also the need for continued advocacy for the inclusive and quality education for all, including refugees and IDPs and finally recommended the inclusion for child protection focused activities for effective migration management.

**20. Plan International:** Mr Chikezie Anyanwu, Director, Plan International AU Liaison Office delivered a statement and mentioned that the 28<sup>th</sup> Ordinary Session of the ACERWC is a golden opportunity for his organisation to share the progress and challenges facing the continent in the promotion and protection of the rights of children. He commended the Committee for the work done in promoting states accountability on children rights through state party and alternative reporting processes and expressed excitement that the State Party Reports of the Republic of Cameroon, Ghana and Eritrea will be considered by the Committee and the fact that the Committee Session will continue to review and take complementary reports from civil society organisations. He further mentioned that Plan International have kicked off the second phase of their global campaign - Because I am a Girl 2.0 and the Sustainable Development Goals Global Partnership and Influencing plan 2016-2020. These two ambitions are setting an aspiring influencing agenda for their organisation on children, particularly girls and they look forward to working closely with the Committee. In conclusion, Plan International reaffirmed their commitment to supporting the Committee on promotion and protection of children rights in Africa, with special focus on girls.

**21. African Child Policy Forum (ACPF):** The statement was presented by Dr. Nkatha Murungi where he highlighted the significance of the AU's declaration of 2016 as the Year of Human Rights, and called for resourcing of children's rights implementation, and for better coordination of action amongst all stakeholders. She specified activities undertaken by ACPF's collaboration and support to the Committee in 2016, including the Commemoration of the DAC, convening an Experts Consultation on the draft General Comment on the Responsibilities of the Child (Article 31), as well as continued support to the AU Campaign to End Child Marriage. Dr. Murungi highlighted other ACPF's initiatives such as the launch of the African Partnership to end VAC, and the launch of the 2016 Africa Report on Child Wellbeing 2016. Dr. Murungi noted, in particular, the potential of the Partnership to significantly accelerate action to end violence against children in Africa. Dr. Murungi called the attention of the Committee to the upcoming 7<sup>th</sup> International Policy Conference on the African Child, whose theme will be "***Our Hidden Shame: Crimes and Extreme of Violence Against Children in Africa.***" She indicated that through this Conference, ACPF hopes to expose these systematic but neglected forms of violence, share good practices in addressing these forms of violence, and agree on a regional campaign and plan of action to

bring the practices to an end. In conclusion, she reiterated ACPF's continued commitment to support and engage with the Committee and to work together towards a better future for Africa's children.

**22. ChildFund International:** Mr Nfamara Dabo, Sponsorship and Communications Manager, highlighted that ChildFund works to advance the right of every child to protection through a range of specialized interventions focused on prevention and protection of children from abuse, neglect, exploitation and violence. He stated that ChildFund's work in the area of child protection is focused to identify, prevent and respond to factors that can threaten the protection and wellbeing of the child at different stages of development and in the various circumstances in which they live.

**23. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International):** Ms Catherine Mbengue, Africa Region Coordinator, started her statement by indicating that the SDGs and its targets to End Violence Against children represent an unprecedented opportunity for Africa. Particularly she mentioned that target 16.2 aims at ending sexual violence against children which is also a core element of ECPAT's mandate and that they are aware of the enormous cost that violence against children represents for Africa and the unnecessary diversion of much needed resources from child rights activities required to repair the damage caused by this violence. She further stated that ACPF and ECPAT have just completed a Media Campaign to stimulate conversations on means of implementation of SDGs Targets on Ending Violence Against Children, particularly Target 16.2 related to Ending Sexual Violence against Children. In conclusion she reiterated ECPAT's commitment to enhance collaboration with the Committee in order to make the rights of the children a reality in our continent and particularly the Rights to be free of all forms of Violence including Sexual Violence.

**24. Save the Children International (SCI):** Ms Doris Mpoumou, Director and AU Representative at Save the Children International, AU Liaison & Pan Africa Office, made a brief statement. She started by welcoming the recent collaboration between the Committee and the Commission which, she said, will lead to the adoption of a General Comment on child marriage relating to Article 21 of the ACRWC. She mentioned that her Organisation stands ready to work with the Committee to continue strengthening the linkages and synergies between the Committee, the Commission and the Court. She further stated that Save the Children International believes that the collaboration will contribute to a robust African human rights architecture that will help bridge the current implementation and accountability deficit on regional and international human rights agreements as well as development commitments such as the ten-year plan of implementation of agenda 2063 and the Sustainable Development Goals. Besides she informed the Committee that on April 26<sup>th</sup> 2016 Save the Children launched a global campaign named 'Every Last Child' which puts a spotlight on the drivers of exclusion which have prevented millions of children on the continent to survive, learn and be protected from harm. In conclusion, she highlighted the key activities that Save the Children International has been supporting, which include the support to the Office of the Special Rapporteur on Child Marriage; the establishment of a task force mandated to draft recommendations to ensure that states and CSOs' reports include SDGs progress assessment on child specific targets; and the PSC Open Sessions on the protection of education from attacks and military use and the right to education for Refugee children in Africa. Finally, she called on the Committee to take the leadership role

in facilitating a meeting between the incoming AU Commission chair with child focused agencies to agree on ways to champion children rights issues and sustain the current momentum on ending child marriage.

**25. SOS African Children's village:** Mr Dereje Wordofa, Eastern and Southern Africa Regional Director of SOS Children's Villages International reiterated that violence against children (VAC) continues unabated in Africa after UN Secretary General submitted a report on it ten years ago, hence urgent action is required. He therefore called for strong political commitment to implement Child Rights' policies, strategies and relevant guidelines on the continent by all stakeholders at all levels to protect children and safeguard their best interests. To demonstrate firm commitment, he stated that SOS has aligned its Strategy 2030 with the AU 2063 Agenda, as well as Agenda 2030 on SDGs, and is implementing innovative interventions in this regard. Furthermore, he elaborated that the plight of children without parental care is of paramount importance to SOS Children's Villages International. He particularly indicated that in sub-Saharan Africa, there are 56 million street children and over 52 million children who have lost one or both parents. The causes for or the risks of orphanhood are tragedies that include HIV/AIDs, violent conflicts, abject poverty and natural disasters. Responding to these challenges, he stated that SOS Children's Villages is relentlessly working, for over 40 years and in 47 countries in Africa, to provide a loving home for every child who has lost parental care and or is at risk of losing parental care.

**26. World Vision International (WVI):** Mr James Odong, Director, External Engagement & Liaison Officer, started his statement by congratulating the Committee and the secretariat on the successful completion of the children agenda and continental study on the impact of conflict and crisis on children. He stated that these documents are in line with World Vision international priorities and new global campaign on ending violence against children aimed at strengthening the architecture for realization of SDGs. He stressed that as the Committee takes a bold step to adopt the children agenda 2040 and the Report on the Continental Study, World Vision is available to continue supporting the Committee in strengthening the on-going work.

**27. Eastern Africa Child Rights Network (EACRN):** Mr Ruzigana Maximilien, Chairperson of the EACRN, made a statement and requested the ACERWC to take in consideration the following key main children rights issues as major concerns in Eastern African Countries: child labour; child domestic workers; child exploitation in tea/rice plantations and in mining sites; challenges of children from vulnerable families; food security limited access to education and to health services due to incapacity of some families to afford their cost; and persistence of sexual abuse in families. He finally urged the Committee to launch a campaign against female genital mutilation which in many cases leads to early marriage among girls. He also requested the Committee to urge State Parties to provide sexual and reproductive health services to all women and girls to enhance their wellbeing. Furthermore, he stressed the plight of children who are victims and still facing the consequences of internal political conflicts in South Sudan. He concluded his statement by requesting the ACERWC to organize a mission in South Sudan for evaluation of Children rights violation in this country if not yet done, to condemn the atrocities committed against children by armed groups and recommend the state to fulfill its duty according to the ACRWC.

**28. Ghana NGO Coalition on the Rights of the Child:** Ms Josephine Konadu Koduah, National Chairperson, in her statement mentioned that the Ghana NGO Coalition on the Rights of the Child (GNCRC), established in 1996 is a network of over 60 active Non-Governmental Organizations. With membership in the ten administrative regions of Ghana, it exists to promote and protect the rights and welfare of the child and prides itself as the recognized body to present alternative reports on behalf of Civil Society in Ghana.

**29. Defense for Children International- Sierra Leone:** Mr Abdul Manaff Kemokai, Executive Director, in delivering his statement, mentioned the need for the protection of girls, especially adolescent as they are the greatest at risk category of the world's population. He further mentioned that girls are exposed to violence in various forms especially FGM/C and forced marriages. Explaining his organisation's activities, he indicated that Defence for Children International is enabling access to justice to girls by establishing a Socio- Legal Defence Centres in some countries in Africa including Sierra Leone, Ghana and Liberia which ensures that all children take a lead role in their own lives and not as mere passive recipients. He then stated, this initiative further creates socio and economic empowerment opportunities to over 10,000 members in above mentioned countries. He finally indicated that there is also the Girls Advocacy Alliance Project which is assisting young girls to be at the fore front in influencing authorities for further policy reforms and awareness raising of their families and peers.

**30. Centre for Human Rights:** Prof Frans Viljeon, Director of the Centre for Human Rights at the University of Pretoria, commenced his statement by commending the Committee for the measures taken to assure the implementation of its decisions on communications. In relation to the Talibés case, in particular, submitted by the Centre together with its partner RADDHO, against Senegal, the Committee in 2015 undertook an on-site visit to the country, facilitating dialogue between the parties; and earlier at this joint session (on 22 October 2016) the Committee held its first implementation hearing, bringing together representatives of the state of Senegal and RADDHO. He then urged the Committee to formalize and integrate this best practice into its regular working methods, for example by including these in its Rules of Procedure. He also drew the Committee's attention to make full use of the opportunity presented by the present joint session in Banjul, to adopt the first joint General Comment between the African Commission and this Committee. Finally, he stated that his Centre encourages the Committee to adopt the Agenda for Africa's Children (An Africa Fit for Children, by 2040) at its current session. In doing so, it should seek out the most appropriate channels to engage the African Union Commission, with a view to ensure the political backing of the relevant AU political organs.

**31. International Lawyers;** Ms Dalia Lofty, addressed the Committee on some of the child rights concerns in Egypt and she commenced her statement by drawing the Committee's attention to Article 17 (administration of Juvenile Justice) of the ACRWC that Egypt ratified in 2001. She also reminded the Committee of Article 37 of the Convention of Rights of Children which provides that detention of children must be a measure of last resort and implemented for the shortest appropriate time. The United Nations rules for the Protection of Juveniles Deprived of their liberty sets out standards of detention in particular the facilities "meets all requirements of health and human dignity." She highlighted that although the government of Egypt has often claimed that protection of children against violence is a national priority, Human Rights group has documented many cases of children as young as

13 randomly arrested from streets and homes by security forces and held for months without charges as national security threats. Some reportedly have been sexually assaulted, raped and given electric shocks. They are held in inhumane conditions, often in overcrowded cells with adult criminals consuming drugs and with rare access to medical treatment or education. She further mentioned the fact that there are a significant number of reports of violence of children's right to fair trial by adjudication of criminal cases against children before adult courts, even military courts without appropriate safeguards. This is especially troubling given the existence of juvenile courts in Egypt, which are being side-lined. She concluded by calling on the Committee to the fact that Egypt must be reminded of its obligation under international law to ensure that children deprived of their liberty are treated humanely and in accordance with international juvenile justice.

**32. Institute Human Rights Development in Africa (IHRDA):** Mr Oludayo Fagbemi, Legal Officer delivered a joint statement by the IHRDA and Equality Now in respect of the situation of pregnant girls in Sierra Leone. He drew the attention of the Committee that pregnant girls in Sierra Leone are not allow to attend mainstream schools. Although the practice of excluding girls from mainstream school on the basis of pregnancy has been in existence in Sierra Leone for a long time, it was only in 2015 that this sporadic practice was formalised. He then asked the Committee to engage the Government of Sierra Leone and to urge them to reverse this policy and allow pregnant girls to continue with their education in a way that promotes their best interest. In this regard, he also urged the Committee to request the Government of Sierra Leone to put in place measures that address the prevalence of teenage pregnancy and sexual exploitation in line with Sierra Leone's obligation under Article 27 of the Charter.

#### **ITEM 5: PRESENTATION OF THE REPORT ON THE COMMEMORATION OF THE DAY OF THE AFRICAN CHILD (DAC) 2016**

33. A presentation on the 2016 Day of the African Child (DAC) was given by Louise Holly from the UNICEF Liaison Office to the African Union. She mentioned that in 2016 the theme of the DAC was 'Conflict and Crisis in Africa: Protecting all Children's Rights', reflecting the negative impact that conflict and other forms of crisis have on the realisation of children's rights across the continent. The Continental Commemoration of the DAC was hosted by the Government of Ethiopia in the city of Gambella, which was appropriate because Gambella is host to more than 273,000 refugees, the majority of whom are children, who have fled conflict in South Sudan. The Continental Commemoration of the DAC was comprised of three child-focused events: a two-day training workshop for children; a mini-marathon for peace in the city of Gambella and the official DAC commemoration in Jewi Refugee Camp. Highlights from national-level DAC celebrations in Mauritania, Sierra Leone, Namibia, Mozambique, Kenya and Chad were shared, along with a snapshot of regional and international coverage of the DAC. In conclusion, some suggestions were offered on how to sustain the momentum of the DAC and ensure that issues of children affected by conflict and crisis remain high on the political agenda. A few lessons were shared on how to make future DAC commemorations even more impactful.

34. After the presentation, discussions and comments were made and the following issues with respect to celebrating the day: it was noted that in Nigeria, the Office of the First Lady

normally invites children and press conferences are issued, in Niger activities are held at the IDP camps, and the need for the themes to be used in commemoration days not to be long and complicated as it will defeat the purpose for which it is meant especially where it is meant for children to read and understand. Besides, it was mentioned that a one day celebration is not enough as these issues occur every day.

35. In conclusion, Ms. Holly, reiterated the importance of the need for reporting and coordination and called for the need to work more closely to capture what is happening around globe, and the lesson for 2017 is to see how UNICEF can help countries to celebrate fully by working with Plan International, Save the Children, World Vision and other Partners.

#### **ITEM 8: PRESENTATION AND DISCUSSION ON THE ACCP PROJECT (SIDA PROJECT) (closed session)**

36. The ACCP presentation was done by Mr. Anteneh who focused on two major sections. The first section highlighted the major achievements, challenges and actions taken during the ACCP bridge period. The second section summarized the draft ACCP2 proposal, which is a Three year project (2017-2019) with approximately budget of SEK: 28 million /USD 3.3 million. The ACCP manager briefly described the Goal, objectives, strategies and activities. The ACCP manager finally noted that the ACERWC comments/inputs on the draft proposal are highly appreciated before its submission to the donor by end of October 2016.

37. The presentation by Mr Anteneh, was followed by a discussion wherein the following points were highlighted; the need for mainstreaming the issue of children in the plan and for there to be a timeframe, disability and gender issues as well as equitable distribution of funds and human resource, the need to prioritise objectives, the need to avoid duplication of work and also the need to focus on the Individual Complaints Mechanisms.

38. In conclusion, it was agreed that the timeline would be extended until Friday the 28 October, for the inclusion of the comments.

#### **ITEM 9: CONSULTATIONS ON VIOLENCE AGAINST CHILDREN AND SDGS**

39. Ms Doris Mpoumou, from Save the Children International, presented on the SDGs and reminded the Committee that it had asked child focus agencies in Addis Abba to assist on coming up with a strategy to monitor the SDGs. She elaborated that an important aspect of the SDGs is that it takes into consideration those left behind in terms of programming, and planning. Following the Committee's request, she mentioned, the child focus Agencies came together and established a Task Force which has started the discussion on the principles relating to child rights which are also included in the SDGs to be integrated in the Committee's reporting mechanisms. The taskforce consists of Plan International, ECPAT, World Vision, UNICEF, Save the Children, African Child Policy Forum, ICRC and Edmond Foley International. She further stated that since its formation, the taskforce has developed a TOR, and have mapped out the SDGs directly related to the work of the Committee and the Charter. She further indicated that the next step would be to review the reporting guidelines of the Committee with a view of adding elements of the SDGs. She also requested the Committee to assign Members who will be working with the task force.

40. After her presentation discussions have been made and clarification was sought on the nine SDGs referred to, along with the effect of sanctions on the achievement of the SDGs. It was later highlighted that the goals so far are related to gender equality, ending hunger and improving sustainable agriculture, ensuring inclusive education and ensuring lifelong support for all, ending abuse, violence and torture against children. It was also indicated that consensus had not been reached on the 9th goal and it was important to involve committee member before finalization.

41. Regarding the assignments that Members of the Committee would work on together with the Task Force, it was mentioned that the Committee will discuss the matter in a closed session. Regarding the review of the Reporting Guidelines, it was indicated that the Task Force should only focus on enhancing the synergy between the principles in the SDGs and the work of the Committee since the SDGs will last till 2030.

42. Furthermore, it was also stated that one of the steps where support is needed is where there is overlap between Charter and SDGs to see whether there is need for expansion. It was also added that UNICEF with respect to the CRC had done a similar exercise on the SDGS and as such, reference should be made to this. Finally the Chairperson reiterated that this framework will not be used to monitor implementation of the SDGS as the Committee only monitors Charter.

43. Following the discussion on SDGs, a panel discussion was held on Violence Against Children (VAC). The panel consisted of Ms. Rebecca Theuri, Save the Children, East Africa and Southern Africa, Ms. Sonia Vohito, The Global Initiative to End Corporal Punishment of Children, Dr. Lucyline Nkatha Murungi, The African Child Policy Forum, and Ms. Mpiwa Julian Sabdra, Sonke Gender Justice.

44. The purpose of the consultation was threefold: to re-emphasize the importance of accelerated action towards 'ending all forms of violence against children'; build upon ongoing momentum at Global, Pan-African, Regional and National Levels to End Violence Against Children; and finally to make a joint call for collaboration in our journey towards AGENDA 2030 for sustainable Development stating 'a world which invests in its children and in which every child grows up free from violence and exploitation'.

45. During the consultations, it was reiterated the statistics and context of VAC Globally and made a call for continued action to end all forms of Violence Against Children through collaborative opportunities such as:

- The Global Partnership to End VAC;
- The Africa Partnership to End VAC;
- Implementing the UNCRC;
- ACERWC;
- AU Agenda 2063;
- Africa's Agenda for Children 2040.

46. To create further insight to the consultations, there was a discussion on the roadmap to achieving our Agenda 2030 and the challenges we face in doing so, along with the recommendations. Among others the following points were discussed :

- There is need to create awareness on available laws, policies and global frameworks such as SDGs at the national, community and grassroots level;
- There is need to continue research and data collection to inform programming and effective responses to violence Against Children;
- Continued networking at a Regional level;
- Increased budget allocation, prioritization of budgeting for children and investment in children;
- Establish coordination and monitoring mechanisms at national level, but also leverage the role of Regional Economic Communities;
- Prohibit Socio – cultural bottlenecks to ending all forms of VAC;
- Conduct awareness campaigns and sensitization on behaviour and attitude change to promote positive alternative and practices enhancing protection of children;
- Build the capacity of social workforce and invest in establishment of centres for preventive and responsive services;
- Children need to be included in the discussions so that we hear from them on what to prioritize and the way best to end all forms of VAC.

#### **ITEM 10: CONSIDERATION OF THE STATE PARTY REPORT: CAMEROON REPORT**

47. The Delegation of Cameroon was led by Mr Mayang Alexis, Magistrate Sub- Director of the International Cooperation, Ministry of Justice. Mr Mayang Alexis, started the presentation by thanking the Committee and went further to state that this Periodic Report is submitted pursuant to Article 43 paragraph 4 (d) of ACRWC and follows the presentation, on 28 November 2011, of the State of Cameroon's initial report at the 18th session of the ACERWC, held in Algiers from 27 November to 1 December 2011. He further mentioned that the report covers the period 2011-2014 and presents the measures already taken to implement the recommendations made by the Committee in 2011.

48. He also indicated that the report was prepared following a participatory approach involving representatives of the Government services, the National Commission on Human Rights and Freedoms (NCHRF), Civil Society Organizations (CSOs) and Technical and Financial Partners (TFP). In this light, an ad-hoc inter-ministerial committee was set up on 5 September 2013 by the Minister of Women's Empowerment and the Family and this Committee prepared a draft report that contained contributions from CSO, which was adopted on 23 December 2014, during a workshop of all stakeholders.

49. Following the brief presentation by the Head of the delegation, Members of the Committee raised some remarks and questions. The Committee commended the Government of Cameroon for submitting its periodic report and for the high level delegation presented. The Committee thereafter raised questions for clarifications in relation to matters included in the various clusters of rights. The clarification questions include: whether there are laws put in place for the prohibition and prosecution of harmful traditional practices including breast ironing Female Genital Mutilation; how many cases of FGM are being

prosecuted and what is the impact of the law in the rural settings where the practice is most prevalent, What body is responsible for coordinating the different platforms and structures relating to children issues; how the children get in to participate in Children Parliament and the procedure involved; whether all births are registered and birth certificates are issued without challenges; measures to end corporal punishment, definition of a child and the minimum age for marriage; whether there exist a National Action Plan to tackle child labour; and the age of criminal liability.

50. Furthermore, questions and the need for clarification were raised with respect to: measures set in place for the protection of children born out of wedlock and children in conflict with law; violence against children; the absolution of rapist when they marry the victim; measures put in place to prohibit commercial sexual workers; child begging and street children; children and youth radicalisation by Boko Haram; statelessness in the Bakasi Region; access to health and health services; incentives set in place for teachers and measures for retention in school; pregnant or breastfeeding mothers in detention or prison; ritual Killing and children with albinism.

51. Responding to the questions, the Delegation of the Cameroon mentioned that with respect to FGM, the Cameroonian Criminal Code 2016 has criminalises under its Article 201, the practice of FGM in the country.

52. With regard to child participation, the delegation underscored that they have established a children's parliament and the impact of the parliament's decision has informed government's decision most especially with respect to the rights of disabilities, maltreatment of treatment of children amongst others. The selection done from schools, public and private centres, children associations, NGOs and they need to be children who are outspoken and can represent their colleagues and they include children with disabilities and children with albinism. The parliament members are elected by the children themselves.

53. In addressing the issue of birth registration, the delegation mentioned that the Government of Cameroon has resolutely embarked on it after making an analysis with respect to corrupt practices involved in the issuance of certificates and has resolve the situation. That the government has brought closer the registration centres that were in existence and in addition, has created new ones. It was also further mentioned that there is no cost attached to the registration for the initial six (6) months but that there is a minimal cost of 2000 CFA attached accompanied by a court order.

54. With respect to the issue of statelessness and the people of Bakasi, the delegation responded that in line with the judicial decision given in the demarcation of the Bakasi Region to Cameroon, the people of Bakasi were given a timeline to choose their nationalities between Nigeria and Cameroon and now that the timeline has expired they have no choice but to be registered under Cameroon. The delegation went further to say that the government is being supported in the birth registration exercise by Plan Cameroon who advocates for Identity Cards for majors and birth certificates for minors.

55. To reduce the distortion and previously existing laws, the age definition of a child is within the framework of the ACRWC and is fixed at 18 years and the age of marriage has now been harmonised and fixed at 18 years by the Civil Code.

56. Responding to whether there exist a National Action Plan to tackle child labour, the delegation stated that there is a National Committee for Child Labour which has come up with a National Plan of Action which although already adopted by experts, is yet to be adopted at national level.

57. Concerning the age of criminal responsibility of children in Cameroon, the delegation mentioned that it is set at 10 years of age while adult responsibility commences at 18 years.

58. In consideration of harmful traditional practices(FGM, Breast ironing and Early Marriage), the measures taken by the Government includes the creation of Legislation prohibiting FGM 2016, there is also a National Platform which fights harmful cultural practices, and together with civil societies.

59. Addressing the issue of sexual harassment in schools, the delegation stated that the statistics of 2015 are quite eloquent in showcasing the fight against this. That from 2010-2014, 20,168 surveys have been conducted and out of this, 1665 legal cases were instituted and 1221 sentences have been carried out. That with respect to cases of rape, about 16096 investigations were conducted and out of this, there have been 62 sentenced and 61 acquitted.

60. In addressing the issue of ritual killings, the delegation underlined that ritual crimes are not specifically mentioned in the Criminal Code but the general offences section in the Code can be used to punish perpetrators and in 2014, 8 perpetrators were charged to court for murder and the case is on-going.

61. After His reflection on the questions, the Head of the Delegation thanked the Committee and appreciated the depth to which it assessed the report. He congratulated the Committee on behalf of the President of Cameroon and the Ministry of Social Affairs whose representative was not able to make it to the session due to technical issues. He also acknowledged the recommendations of the Committee during the Session and in the same vein, promised to provide the necessary information to the Committee in due course.

62. Finally, the Chairperson of the Committee welcomed any additional information which the Government of Cameroon wishes to send. He indicated that the Committee will issue concluding observations and recommendations and he called upon the delegation to take necessary steps to implement the recommendations of the Committee. Moreover, he thanked the delegation for the time given to addressed issues of national interest to them and commended the delegation for the spirit in which the deliberations were conducted.

#### **ITEM 11: CONSIDERATION OF THE STATE PARTY REPORT: ERITREA REPORT**

63. A high level and multi-sectoral Delegation led by Mr. Mehreteab Fessehaie Zego, Director General of Social Welfare Department at the Ministry of Labour and Human Welfare, presented a summary of the State of Eritrea's consolidated first, second, third and fourth reports on the implementation of the Charter.

64. Mr. Mehreteab mentioned that the report covered the periods 2002-2013 and emphasised that since gaining independence, the government has been committed to promoting and protecting the rights and welfare of children in Eritrea. He mentioned that

during the reporting period at the national, regional and sub-regional levels, there has been increased coordination in the implementation, reporting and monitoring of programs. He stated that new legal Codes containing child friendly provisions have been enacted with the best interest of the child a primary consideration in all matters affecting children. He explained that in advancing the rights and welfare of children, social and protection measures have been adopted. He particularly informed that civil society institutions have assumed collective roles in the promotion of the survival and development of the children by undertaking various promotional and sensitisation activities on the ACRWC and the CRC.

65. Following the presentation, Committee Members raised questions for clarification on the definition of a child, harmonization of laws in line with ratified international instruments, laws safeguarding the rights of children, FGM/C, level of coordination between government, translations and dissemination of the Charter in local languages, availability of a body to lodge complaints, manner in which matters affecting children are dealt with, the Government's investment to issues of child rights, protection from child marriage and betrothal, the extent of birth registration, death sentences against children, respect for the views of the child, minority groups and refugees participation in the preparation of the report, respect for a child's rights to freedom of religion, harmonization of the age of marriage, measures protecting children from being recruited in the army, the number of girls attending school, the application of the Constitution to children, respect for the views of the child, and budgetary allocation to the welfare of children.

66. In addition, the Committee sought clarification on measures to deal with the health sector budgetary allocation, disabled children, inclusion in education, reduction of maternal and child mortality rates, accessible health services particularly in rural areas, street children, sex tourism, upholding of child marriage, reintegration of children involved in conflict, protection from child labour, adoption regulation, protection of children from trafficking, refugees and IDPs, process of reunification, special measures as it concern disabled and refugee children, mechanism to combat child migration, plans to translate the ACRWC, lack of measures concerning unaccompanied children, schools and centres as place for militarisation, the age of criminal responsibility, and stateless children.

67. In addressing the concerns of the Committee, the Delegation explained that coordination is done by an inter-ministerial body made up of the Ministry of Labour, Ministry of Health, Ministry of Labour and Human Welfare, Ministry of Education and the Ministry of Justice. It was stated that this body is however not the only one dealing with the CRC and the Charter as other departments are also involved with the harmonisation of these instruments along with a technical committee made up of CSOs and government departments. On laws concerning children, it was said that there exists no special legislation concerning children however they are incorporated under the civil and criminal Code all of which protect the rights and welfare of children. Furthermore, it was said that the Civil Code defines a child as a minor less than 18 years.

68. With regard to the registration of births, it was stated that parents are required to register their children within three months. If this is not done within this period, a person with a parent of Eritrean nationality can bring an application to a court and witnesses brought to support the application. The Delegation further informed that registration of birth does not incur cost and midwives are trained to encourage registration.

69. On measures of guarantees to prevent children being sentenced to death, it is mentioned that the Penal Code specified that a child may not be sentenced to death.

70. The Delegation stated that for both sexes, sixteen is the age of marriage however where marriage is concluded between individual's under fifteen; an interested party can institute a case or the Attorney General for the marriage to be declared null and void. It was however further added that if the court was satisfied that the marriage was in the interest of the child, the court can uphold the marriage. The Delegation further stated that an amendment by the new Civil Code has changed this. It was also indicated that Article 14 concerns non-discrimination which protects the interest of children.

71. With regard to child soldiers, the Delegation stated that children are not being conscripted into the military and instead children were going to school. It was also mentioned that child labour is not an issue in the country. On child trafficking, the Delegation clarified that the issue has decreased due to awareness raising campaigns.

72. Concerning statelessness, the Delegation said that their embassies assist minors who approach them. It was added that with respect to IDPs, those identified as such have been returned to their original place of residence or resettled in areas close to their original residences. It was further stated that psychosocial assistance and other necessary support is provided by the government along with some UN agencies.

73. On the issues of militarisation, it was further stated that there is a military camp and the Government requires youth above 18 to enrol to the camp due to national security however no children are sent there.

74. In conclusion, the head of the Delegation thanked the Committee and stated that the dialogue was a learning process for both sides allowing the Committee to see the situation in Eritrea. He added that the implementation of the Charter is not without its challenges but added they will welcome the concluding observations and comments also put them into consideration.

75. Finally, the 2nd vice-chair of the ACERWC thanked the Delegation for presenting its report and the manner in which it tabled the challenges faced by the country. He stated that after careful consideration of the report, recommendations will be sent and within a year a team will undertake a mission to observe the implementation of the recommendations.

## **ITEM 12: CONSIDERATION OF THE STATE PARTY REPORT: GHANA REPORT**

76. Mrs Della Sowah, Deputy Minister of Gender, Children and Social Protection presented the initial, first and second consolidated report of the government of the Republic Ghana on the implementation of the African Charter on the Rights and Welfare of the Child. Mrs Sowah commenced her presentation by saying that since ratification of the Charter, guided by the 1992 Constitution and the Children's Act 1998 (Act No. 560) and other legislations, policies and institutional mechanisms, the nation has striven steadily to achieve the rights and improve the welfare of children. She stated that as a State Party to the CRC, steps were already advanced prior to ratification of the Charter which enabled its implementation.

77. She further mentioned that Article 28 of the Constitution guarantees the rights of children and enjoins parliament to enact laws to further realise these rights and ensure the wellbeing of children. She also stated that in fulfilment of this right, several legislations have been enacted with more to be adopted later. She also stated that despite the progress, early and forced marriage is on the increase with the practice attributed to poverty, child labour also remains a challenge despite efforts to address it. It was added that challenges of financial, human and material constraint together with structural limitation continue.

78. Following the presentation of the Delegation, the Committee raised concerns on the widen mandate of the Ministry of Gender, Children and Social Protection, coordination of the actors on child rights, the various definitions of a child found in different laws, conflict between the legal age of marriage and customary laws, non-discrimination, awareness raising on respecting the views of the child, birth registration, budgetary allocation of the department of children, juvenile justice system, sensitisation on FGM, decentralisation of child commemoration days celebrations, alcohol consumption, age limit of juvenile justice, protection of privacy, statelessness, corporal punishment, child labour, abandoned children, treatment of children made orphans due to AIDS. Besides, further clarification on additional issues such as travelling for FGM, stateless children, cybercrime, children with disability, child protection systems, child marriage, camps for 'witch' children, adoption, street children, protection of the family environment, recreational areas, detention of juveniles, regulation of residential homes, provision of nutrition, protection of migrant children, internal displacement, maternal and neo-natal deaths, teenage pregnancy, guarantees of free education, commercial sex tourism, teacher absenteeism, mental health, victims of sexual abuse, child trafficking, rate of immunization.

79. In addressing the questions from the Committee on the expanded mandate of the Ministry of Gender, Children and Social Protection, the Delegation explained that this was done to better protect the rights and welfare of children as the former Ministry was not empowered to protect vulnerable people which include children. It was also explained that this expansion has led to the establishment of national registers to record vulnerable households which includes children and the expansion is in tandem with budget allocation.

80. On the various age of children in different laws, the Committee was informed that despite differences in the law, a child is anyone under 18 years and in cases of sexual abuse the age of sexual consent is not defence to engage in sexual activities with a minor. Furthermore, it was clarified that having an age of sexual consent is not disadvantageous as it empowers children to resist sexual advances.

81. Concerning the age of criminal responsibility, it was mentioned that the prospective amendment of the Children's Act will consider increasing the age to 14 in line with best practices along with taking into consideration prior recommendations. It was also stated that alternatives to dispute resolution for minor offences are provided for.

82. On the question of juvenile justice system, the Delegation informed that Domestic Violence and Victim Support Units are found in police districts with the aim being to have one in all police stations and when transfers are made similar officers should be replaced. It was further stated that children are not placed in prison camps however police practice of advising children to inflate their age to get minimum punishment means that children are

sometimes treated as adults and placed in adult prisons. Furthermore, it was mentioned that trial of children are heard at the family courts whose personnel are trained and the Chief Justice has proposed to change procedures along with the establishment of family court at the level of the high court.

83. Regarding the issue of discrimination, the Committee was informed that the best interest of the child is the guiding principle however this remains a challenge with disabled children but district authorities provide assistance as they are required to assist.

84. It was indicated that with birth registration, birth certificate is required to acquire a passport and for admittance in school and during admissions in kindergarten, assistance is given to obtain birth certificates. It was further emphasised that birth certificates were important in order to access education. It was also added that the health service collaborate with the Birth and Death Unit and outreach services are held every week bringing services to the door step of parents to assist those who have not registered their children.

85. On statelessness, it was stated that children cannot be rendered stateless because where citizenship of a person particularly children cannot be determined, citizenship is granted. The Delegation also informed the Committee that an assessment of these issues has not been done and promises to embark on this and provide the information at its next reporting cycle.

86. With the issue of cybercrime, it was mentioned that an initiative was commenced last year by the Ministry of Interior to combat it and currently there are plans by the department of children to emulate the Israeli red button initiative.

87. On teenage pregnancy, it was mentioned by the Delegation that the Ministry of Education does not have a policy on the issue rather practice guides the way how this girls return to school and educational authorities also assist those who wish to move to another school. Furthermore, it is stated that promotional campaigns are engaged in through school health clubs to address adolescent health issues and radio sensitisation on the importance of contraception done. Additionally, it was mentioned that family planning facilities encourage counselling with the privacy and confidentiality of the child protected. Furthermore, it was stated that free family planning services provided to prevent further pregnancy.

88. On the enrolment of girls, at the kindergarten and primary level there it was stated that parity had been achieved between boys and girls. It was added that at JSC parity is nearly achieved with the introduction of girls' scholarship education to combat factors stopping girls from going to school. It was further stated that gender classes used to promote girls education to continue in education. Furthermore, it was stated that there are measures to enrol and sustain girls' education up to tertiary level.

89. On the query of commercial sex, it was stated that Ministry of Gender, Children and Social Protection is working with UNFPA to reduce however this was on the rise especially in coastal regions and Accra.

90. In her concluding remarks, Mrs. Sowah stated that the Delegation was thankful for the opportunity to dialogue with the Committee and mentioned that the information promised to be submitted will be provided in the course of the week. She pledged the government's commitment to report periodically.

91. The Chairperson of the Committee concluded by accepting the commitment of the Delegation to report periodically and complimenting the Delegation for its size and diversity which allow for many questions to be posed ascertaining progress made. He added that the Government should expedite pending measures to safeguard children and looks forward to receiving remarks. He further stated that after careful consideration of the report recommendations will be sent and asked that the concluding observation to be issued be given serious considerations.

### **ITEM 13 : STATEMENT BY AMNESTY INTERNATIONAL ON THE CONFLICT IN SUDAN**

92. A statement was delivered by Mr Japhet Biegon of the Amnesty International on behalf of Amnesty International, Human Rights Watch and four other organisations.

93. In making his statement, Mr Biegon thanked the ACERWC for affording them the opportunity to brief the Committee on the state of affairs of children in Sudan. He commenced by reminding the Committee that the armed conflict erupted in South Kordofan in June 2011 and expanded to Blue Nile in September 2011 and it has been characterised by gross human rights violations. He stressed that the impact of the conflict is much sever on children and has a cross cutting effect as it is affecting their right to education, access to health and access to medical supplies.

94. In addressing the issue further, he mentioned that attacks are being done by both by the Government forces and armed groups without giving consideration to children and women who are actually suffering the most. Many children and women have died and others injured and more displaced and are now living in caves and some in IDP camps. Concerning the number of casualties on children, he informed that the conflict in the Two Areas has been characterized by gross violations of international human rights and humanitarian law. Both parties to the conflict – SPLA North and Sudan Armed Forces (SAF) – have committed violations. However, he indicated that the SAF is responsible for majority of the attacks against civilians partly due to its military and aerial capabilities. The SAF has attacked civilian areas without military objectives. The attacks have also involved the use of weapons which are inherently indiscriminate, such as cluster bombs.

95. Mr Biegon stated that the impact of the conflict on children has been particularly marked this year. Aerial bombardments have resulted in the death and injury of many children, including a six-month old baby. The continuous aerial bombardments have disrupted children's education as some schools have been destroyed by aerial bombs. The health infrastructure in SPLA-North controlled areas has been significantly diminished. Since 2011, SAF has bombed 26 health facilities in South Kordofan. The Government has imposed a humanitarian blockade into the SPLA-North controlled areas. Medical supplies and vaccination programs necessary to prevent potentially infectious diseases is being denied, with fatal consequences for children. He further indicated that the Government is not doing

enough to address the situation on the ground and that most respondents to the situation are non-State actors including UNICEF and MFS. He further alluded that Amnesty International and others are engaging the AU, the UN and other organs that have links with the Government of Sudan. With respect to the issue of the rights of the child, the Committee, being the umbrella body for the protection of the child in Africa, is their first point of call for intervention.

96. In light of the above, he concluded by extending a call to the Committee on behalf of the six organizations to conduct a fact-finding mission to the two areas pursuant to Article 45(1) of the African Charter on the Rights and Welfare of the Child. He further promised to send detailed information regarding the conflict to the Committee in due course.

#### **ITEM 14 : PREPARATION TO THE FINALISATION OF THE DRAFT DOCUMENT ENDING CHILD MARRIAGE IN AFRICA BY 2040**

97. The Chairperson of the ACERWC invited the Committee Members and Partners to share observations on the draft joint General Comment on Child Marriage. Participants raised a number of issues including on the size of the document, harmonisation of the English and French versions of the document, the representative nature of the document, and the relevance of some of the paragraphs. In this regard, the participants agreed that the General Comment should make reference to 'child marriage' instead of 'early marriage'. It was also mentioned that the following paragraphs in the English version and their counter parts in the French version should be reviewed, paragraphs 29, 43, 44, 45, 50, 52, 72-78, 87, 88 and 89. Concerning the name of the document, suggestions were made including 'joint General Comments on Ending Child Marriage'; 'Joint General Comments on Addressing Child Marriage'; 'Joint General Comments towards Ending Child Marriage'. Finally, the Chairperson indicated that the joint General Comment will be discussed together with the ACHPR on 29 October 2016.

98. The draft General Comment was accordingly presented by the consultant and discussed in a joint session by the ACHPR and the ACERWC. During the joint session, additional comments were shared on the draft and an agreement was reached for the consultant to consolidate the inputs and work towards finalizing the General Comment in the coming few months. With a view of getting a finalised document which could be considered for adoption at the upcoming sessions of the ACHPR and the ACERWC, two Members of the Commission and two Members of the Committee were assigned two with the Consultant. It was also mentioned that both the Commission and the Committee are working towards organising their upcoming Ordinary Sessions in late April in Niamey, Niger.

#### **ITEM 15: HEARING ON THE COMMUNICATION: *INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA) VS THE REPUBLIC OF MALAWI***

99. The ACERWC considered an Amicable Settlement on the Communication No. 004/Com/001/2014 submitted by the Institute for Human Right and Development in Africa (IHRDA) and the Republic of Malawi. The Complainant submitted that contrary to what is provided in Article 2 of the African Charter on the Rights and Welfare of the Child, which

defines a child as a person below the age of 18 years of age, Section 23 (5) of the Constitution of Malawi excludes children in Malawi between the ages of 16 and 18 years from the protections accorded to them under the Charter. According to Section IX of the Revised Guidelines, the Committee considered the admissibility of the Communication and set to hear the arguments of both parties on the merit of the matter. While the Committee remains seized on the matter, the Parties submitted a request for an amicable settlement of the Communication. After having deliberated on the details of the terms and conditions of the amicable settlement agreement, the Committee decided to adopt the amicable settlement. It was stated that the Committee remain seized on the Communication. The Committee also decided that the amicable settlement will remain in force provided that the elements of the agreement are upheld, and in particular that:

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

#### **ITEM 16: HEARING ON THE COMMUNICATION: MINORITY RIGHTS GROUP INTERNATIONAL AND SOS-ESCLAVES ON BEHALF OF SAID OULD SALEM AND YARG OULD SALEM VS THE REPUBLIC OF MAURITANIA**

100. The Committee heard from the representatives of Minority Rights Group International (Applicant) and the Government of Mauritania (Respondent State). After careful deliberation on the submissions made by both Parties, the Committee decided to undertake an on-site investigation in Mauritania. It was noted that the investigation will be done early next year (2017), hence the findings will be reported during the upcoming Session of the Committee.

#### **ITEM 17: PRESENTATION BY THE SPECIAL RAPPORTEUR ON ENDING CHILD MARRIAGE IN AFRICA**

101. Dr. Fatima Sebaa, Special Rapporteur on ending child marriage presented an activity report to the Committee. The activities Dr. Fatima has undertaken as Special Rapporteur included a meeting in Nairobi in June 2016 on the drafting of the General Comment on Article 31 of the Charter, a mid-term evaluation on the AU-Campaign on Ending Child Marriage in Lusaka where discussion focused on what had been done, the missions to Niger and Burkina Faso on reviewing the measures they have taken in ending child marriage afar launching the Campaign.

102. She also stated that out of the 30 countries chosen to launch the campaign, only 15 countries have launched. . She further added that a world program on Child Marriage was launched by UNICEF and UNFPA which concerned 12 African Countries including Burkina Faso, Ghana, Niger, Zimbabwe and the program places access on several activities such as providing access and implementation of the law. Further to this, she stated that the SADC finalised a model law on child marriage which provides for 14 countries to strengthen their law against child marriage. She also suggested that this effort to be multiplied in other regions too.

103. The Special Rapporteur also informed the Committee on progress made by countries in ending child marriage and highlighted amongst others the experience in Niger where they have adopted a community based approach towards ending child marriage. She further stated the important role played a woman traditional leader in fighting child marriage in Malawi through assisting girls to stay in schools as alternative and in Algeria punishment is imposed on religious leaders who celebrate child marriage; she further mentioned the good practice out of a court of Decision in Zimbabwe on the minimum age of marriage.

104. After her presentation, the Committee raised some issues including the launching of the child marriage campaign, level of engagement between children particularly girls and policy makers, government coordination to harmonise data, assistance to victims of child marriage. The Committee also raised questions on optimising the efforts of the Special Rapporteur, the resistance of religious leaders to stop child marriage and next steps for the mandate.

105. The Special Rapporteur then reflected on the Committee's observations and questions for clarifications. She particularly stated that States cannot be forced to launch campaign however all states have been informed and some governments that had not launched the campaign have policies in place. On level of engagement, she explained that it is important to engage the National Assembly because without them it will not be possible to end child marriage. She further stated that children continue to be married so the fight should continue to reduce it and work within regional groupings to ensure the campaign is successful. Finally, the Chairperson of the Committee thanked Dr. Fatima for allocating time to the Committee and the work she had undertaken.

## **ITEM 18: ADOPTION OF THE AFRICA'S AGENDA FOR CHILDREN FOR THE COMING 25 YEARS**

106. The Secretariat of the Committee presented the draft Africa's Agenda for Children 2040: Fostering an Africa Fit for Children for the Committee's consideration. During the presentation it was mentioned that the consultant has presented the draft in the previous Sessions of the Committee where he received a number of comments. It was noted that the inputs and comments are accordingly incorporated. Considering the document, it was agreed that Members of the Committee who would like to share additional inputs should do so before 11 November 2016. Subject to incorporation of the inputs from Members of the Committee and harmonization of the English and French versions, the Committee adopted Africa's Agenda for Children 2040: Fostering an Africa Fit for Children.

**ITEM 19: ADOPTION OF THE GENERAL COMMENT ON ARTICLE 31: RESPONSIBILITY OF THE CHILD**

107. The Chairperson of the Committee informed the Members that consideration of the adoption of the General Comment on Article 31 can be considered at the upcoming as the French version of the document is not yet ready.

**ITEM 20: ADOPTION OF THE REPORT ON THE CONTINENTAL STUDY ON THE IMPACT OF ARMED CONFLICT ON CHILDREN IN AFRICA**

108. The Secretariat of the Committee presented the draft report of the study on the Impact of Conflicts and Crises on children in Africa. During the presentation it was mentioned that the consulting firm has presented the draft of the report in the previous Sessions of the Committee where they received a number of comments. The document was also shared to a variety of experts and organisations for comments and editorial works. It was noted that the inputs and comments are accordingly incorporated. Considering the document, discussions were made regarding the continental nature of the document and an agreement was made to insert a paragraph which explains the same. Subject to incorporation of the inputs from Members of the Committee and harmonization of the English and French versions, the Committee adopted the Report of the Study on the Impact of Conflicts and Crises on Children in Africa.

**ITEM 21: CONSIDERATION OF OBSERVER STATUS RECEIVED**

109. The Committee considered applications for observer status from Initiative for Social and Economic Rights (ISER), Regional Psychosocial Support Initiative (REPSSI) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International) and rendered the following decisions:

- Granted observer status to Initiative for Social and Economic Rights (ISER), Regional Psychosocial Support Initiative (REPSSI);
- Decided that End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International) should submit official certificate of registration.

110. Furthermore, the Committee received an application for observer status from the Defense for Children International and appointed rapporteurs to examine the application.

**ITEM 22: PRESENTATION OF THE ACERWC BUDGET 2017**

111. The Secretariat presented to the Committee the draft budget 2017 and expressed that an overview of the draft budget was adopted during the Kigali Summit earlier this year.

**ITEM 23: CONSIDERATION OF DRAFT/ELEMENTS OF THE CONCLUDING OBSERVATIONS**

112. The Committee discussed and adopted the elements that should be included in the Concluding Observations and Recommendations to the Governments of Cameroon, Ghana and Eritrea.

#### **ITEM 24: APPOINTMENT OF A SPECIAL RAPPORTEUR ON ENDING CHILD MARRIAGE**

113. On the proposal of Dr Clement Mashamba, seconded by Madam Nkwe and third by Mr Mohammed, Mrs Bocoum Dikere was appointed the Special Rapporteur on Ending Child Marriage after a consensus was reached upon by the Committee Members. However, it was noted that Madam Fatima Sebba's appointment could still subsist for the sake of continuity until the 31st of January 2017 and thereafter, Mrs Bocoum would take over from the 1st of February 2017.

#### **ITEM 25: INTERNAL MATTERS**

114. The Committee held a discussion on issues related to expenditure of its budget and the planned activities in 2017.

115. Following the request by Save the Children International on nomination of focal persons who will be working with the taskforce on the SDGs, Mrs. Sidikou, Dr. Mashamba and Mrs. Bocoum were chosen as Committee representatives.

116. It was referred to by the Chairperson that the Committee had previously decided to prepare a General Comment on general measures of implementation and some partners were asking for this to be done. It was further stated that financial support is available. Following discussions on the drafting process and hiring of a consultant, Ms. Aver Gavar and Dr. Mashamba were chosen as focal persons to work with Save the Children on the development of this General Comment.

117. The Secretariat informed the Committee that the Social Affairs has informed that Algeria has proposed to host the next Day of the African Child. In relation to the Day of the African Child, suggestions were made on the possibility of developing the terminology of the theme in a way to be more child friendly.

118. Members of the Committee debriefed on the applications submitted by Amnesty International and five other Organisations on the impact of the conflict in Sudan against children. After careful deliberation on the request, the Committee decided to undertake an on-site investigation in Sudan.

119. The Committee also revised the 11 thematic areas and agreed to make the assignment during the next session but that in the meantime, the Secretariat would prepare a write up along with a draft Term of Reference for each thematic area and send it to the

experts for review. During the next session, each expert would give a presentation on how well he or understood the theme.

120. The Committee amended its requirements in the Guidelines of for applications of an observer status. As per the Committee's Decision organizations which are applying for an observer status can submit three copies of their application documents either in English or French. The soft copies should also be sent to the Secretariat.

## **ITEM 26      ADOPTION OF THE DRAFT REPORT**

121. The draft report was shared but due to time constraint it was agreed that it will be adopted online following the incorporation of amendments made by members of the Committee.

## **ITEM 27:      CLOSING CEREMONY**

122. The closing ceremony of the Session took place on the 1st of November at about 15.00 hours and in his closing remarks, the Chairperson of the Committee, Prof Benyam Dawit Mezmur highlighted the various activities that the Committee undertook during the 28th session and applauded the success of the joint sessions held with the ACHPR. He further thanked his colleagues in the Committee for the most productive session and their cordial operation. He thanked the State Parties who reported during the Session for submitting their report, the constructive dialogues held with them and the CSOs.

123. He expressed further that after consulting with the ACHPR and the Secretariat of the Committee, there is a possibility of organising the next Committee Session in Niger during the last week of April to the first week of May 2017.

124. On behalf of the Committee, he also expressed his gratitude to partners, the Secretariat, and the interpreters for all their support. Finally, he officially declared the 28th Session closed.