

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

SC14765

EXECUTIVE COUNCIL
Twenty-Seventh Ordinary Session
7 – 12 June 2015
Johannesburg, SOUTH AFRICA

EX.CL/923(XXVII)
Original: English

**REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON
THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

**REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON THE
RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

INTRODUCTORY NOTE

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) is 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). The ACERWC is mandated inter alia, to promote and protect the rights of the African Child pursuant to the provisions of the Charter.
2. Pursuant to its mandate under the ACRWC, the ACERWC has undertaken several activities including its statutory Sessions and an extra-Ordinary Session. During the Sessions the Committee has considered State Party Reports, considered communication submitted against a Member State and adopted various documents including the General Comment on a provision of the Charter. The Committee has also adopted its reports on the advocacy Missions on the situations of children South Sudan and Central African Republic. Moreover, the Committee also adopted its activities related to the children and armed conflict including the continental study on the impact of armed conflict on children in Africa.
3. This Report therefore summarizes the Recommendations and Decisions of the 1st Extra-Ordinary Session, 24th and 25th Sessions of the Committee which were held on 7-11 October 2014, 28th November – 07th December 2014 and 20-24 April 2015 respectively in Addis Ababa, Ethiopia, as well as other activities undertaken.
4. The Report is hereby submitted for consideration by the AU Executive Council.

AFRICAN UNION

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

الاتحاد الأفريقي



"An Africa Fit for Children"

UNION AFRICAINE

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

UNIÃO AFRICANA

P. O. Box 3243 Roosevelt Street (Old Airport Area), W21K19, Addis Ababa, Ethiopia
Telephone: (+ 251 1) 551 3522 [Internet : http://acerwc.org](http://acerwc.org) Fax: (+ 251 1) 553 5716

**REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON
THE RIGHTS AND WELFARE OF THE CHILD
(ACERWC)**

**REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON
THE RIGHTS AND WELFARE OF THE CHILD
(ACERWC)**

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). The Committee is mandated *inter lia*, to promote and protect the rights of the African Child pursuant to the provisions of the Charter.

2. 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 (complaints), discussions on selected articles of the Charter, advocacy and promotional missions, development and adoption of various documents and many other activities as stated in this Report.

3. This Report summarizes the Recommendations and Decisions of the 1st Extraordinary Session, the 24th and 25th Ordinary Session of the Committee held respectively from 6-11 October 2014, 1-6 December 2014 and 20 to 24 April 2015 in Addis Ababa, Ethiopia as well as other activities undertaken.

4. The Report is hereby submitted for consideration by the Executive Council.

I. Decisions and Recommendations of the 1st Extraordinary session of the ACERWC

5. The ACERWC held its first Extra Ordinary Session at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 7 to 11 October 2014. During this Session, the Committee, in accordance with Article 43 of the ACRWC, considered Reports from five State Parties. Namely the Reports are: Initial Reports of the Government of South Africa, Mozambique, Guinea, Ethiopia and the first Periodic Report of Kenya. The Committee allocated sufficient time for each of the State Parties separately and the heads of the delegations from the respective State Parties briefed the Committee on the measures they are taking to implement the provisions of the Charter and presented their achievements and challenges. Following the briefings by each State Parties, the Committee Members raised a number of issues for clarification. The concerns raised by the Members of the Committee include: the minimum of age of criminal responsibility (which in most cases is below the acceptable standard), birth registration in relation to undocumented, rural and refugee children, costs of birth registration, and access to social services for undocumented children. The Committee also requested for explanation on children in need of alternative care, access to health and education facilities for children with disabilities, available social transfers to lift children from poverty, low child enrolment in schools, actions to ensure the best interest of the child, efforts by the Government to curb child marriage, whether corporal punishment is prohibited in schools, other children institutions and homes, and how child

protection services are organized and collaborated. Alongside these and other related concerns, the Delegations and the Committee had a constructive discussion. At the end of the dialogue, the Chairperson of the Committee commended the Governments of South Africa, Mozambique, Guinea, and Ethiopia for submitting their Initial Reports, and the Government of Kenya for submitting its first Periodic Report. The Chairperson also appreciated the respective Governments for the efforts that are being deployed on the ground to create a country fit for its children, and indicated that the Government would receive the recommendations of the Committee in due course.

II. Decisions and Recommendations of the 24th Ordinary Sessions of the ACERWC

2.1. Election of a new Bureau

6. The Committee with the assistance of the Legal Counsel of the AUC consulted and elected its new Bureau for an interim of one year. This was due to the fact that the term of the majority of the members of the Committee will come to an end in July 2015, after which a new Bureau would be appointed for two years. The newly elected member of the interim Bureau are as follows:

1. Mme. Sidikou Aissatou Alassane Moulaye (Chairperson);
2. Prof Benyam Dawit Mezmur (1st Vice Chairperson);
3. Mr. Joseph Ndayisenga (2nd Vice Chairperson);
4. Mrs. Amal Muhammad El Henqari (3rd Vice Chairperson); and
5. Dr Clement Julius Mashamba (Rapporteur).

2.2. Presentation of the activities of the AU Special Rapporteur on ending child marriage

7. Dr Fatima Sebaa, the AU Special Rapporteur on Child Marriage presented her program of work and intended activities to the Committee and partners, which include:

- Following up on the policy and other measures adopted in countries where the campaign to end child marriage has been launched;
- Holding assessment meeting with victims of child marriage;
- Holding meetings with CSOs and coalitions to determine the role of the mandate and the kinds of investigations to be undertaken;
- Undertaking a study to summarize all the researches and outcomes on child marriage and regroup findings and recommendations in this regard;
- Participating in the global meeting in Casablanca to learn from the experience of Asian countries and join with other on-going efforts;
- Meeting with the Goodwill Ambassador designated by AUC to see what activities can be led together; and

- Meeting with different Ministries at national level such as Ministry of Health, Ministry of Social Development, Ministry of Justice and so forth.

8. The Committee then expressed its commitments to support the work of the Special Rapporteur in her engagements to carry out her mandates.

2.3. Advocacy Mission on the Situation of Children in South Sudan

9. The Committee undertook an advocacy Mission to assess the situation of children affected by the conflict in South Sudan on 03 - 09 August, 2014. The main objective of the Mission was to advocate for improved protection and response to children affected by the armed conflict in South Sudan. Particularly, the Committee assessed the impact of armed conflict on children in South Sudan and determines key capacity and resource gaps for the prevention and response for children affected by the conflict.

10. During the Mission, the Committee notes that while there have been some progress towards achieving children's rights in South Sudan, many children continued to suffer from the failure of the peace process and political leadership divisions. Children continue to face threats of killings, maiming, poverty, displacement, psychological distress and lack of education. The impact of the conflict is so grave that it exposed thousands of children to death due to lack of nutrition.

11. The delegation was also informed that since the eruption of conflict in December 2013 to end of June, the UN Mission in South Sudan (UNMISS) received more reports of grave child rights violations in armed conflict than all of 2013 combined. Grave child rights violations continue to be analyzed, documented and verified. The violations monitored include killing, recruitment and use of children by armed forces and groups, sexual violence, attacks on schools and hospitals, and denial of humanitarian access, including access to health.

12. Of mounting concern for the Committee is the escalating recruitment of children into forces associated with the armed conflict. The delegation has observed the existence of visible involvement of children in the conflict. This includes girls in military uniform, reflecting the rapidly changing dynamic of the conflict on the protection of children. Children in uniform are seen entering the camps while some groups openly recruit them. The communities are reluctant to report for fear of reprisal and at times also feel compelled to support the groups that are recruiting the children. The children at times join the militia due to boredom and idleness as they don't attend schools and some may have no caregivers to guide them. Therefore, children associated with armed forces is one of the main protection issues that have to be addressed on a basis of absolute urgency.

13. The Committee is also deeply concerned by the large number of schools that have been closed or occupied by the armed groups, thus denying children to enjoy their right to education. The delegation was told that over a thousand schools were closed down in conflict affected States: Upper Nile, Jonglei and Western Equatorial. Many

schools are still occupied by armed forces. In many places the education situation has deteriorated to the point where most children are not accessing education. This is the case not only in the crisis states, but throughout the country. The effect of this is that a whole generation risks being lost altogether to the knowledge economy of the future. The delegation was also informed that many teachers have fled, and that schools have been occupied by armed groups, closed or destroyed. It's necessary for the Government of the Republic of South Sudan and all other actors (including international partners in the education sector) to devise urgent strategies to enable the resumption of early childhood development and education for all the children of this country in the interests of securing some future for today's children.

14. The Committee also notes that the conflict has completely disrupted the basic health services available to children in the conflict affected areas. There are various health hazards that include cholera outbreaks and malaria among others. Particularly, the delegation observed that the situation in the Internally Displaced Persons (IDPs) and in the Protection of Civilians Sites (POCs) is far from adequate, with concomitant risks to children health and wellbeing. The delegation also observed that the national coverage for water and sanitation is extremely low, which is seriously affecting children's rights to health. This is particularly true in the POC Sites, both in Tomping and Bor, where children are living in a situation which could result in infectious diseases outbreaks, especially of water borne diseases.

15. The Committee observes the existence of huge displacement of peoples, including children with or without their families. The delegation has witnessed this massive disruption of people's and children's lives first hand from its visits to the various IDP camps particularly to Tomping camp. The Committee notes that there many separated and unaccompanied children while some parents reported that they had missing children whom up to now they do not know their whereabouts. Among the immense challenges include huge numbers of unaccompanied children who have no access to education. There were reports of large numbers of children are out of the Country while the parents are in the Country and vice versa. IDPs are crossing the borders to neighbouring countries.

16. As one of the impacts of the Mission, the Committee appreciates the ratification of the African Charter on the Rights and Welfare of the Child by the National Parliament of South Sudan and expressed its hope on the timely submission of the ratification document to the African Union Commission.

17. With a view of averting the worrying situation of children's rights in South Sudan, the Committee would like to make the following recommendations:

- For the African Union, its Member States and the international community to take all necessary measures to reduce the flow of arms into South Sudan in the interests of children, and commends all efforts towards disarmament and demobilization;

- Urges the Sudan Peoples' Liberation Movement in Opposition (SPLM-IO) to honor the commitment made in Addis Ababa to desist from mobilizing child soldiers, and to demobilize those already affected;
- For the Government of South Sudan, in collaboration with national and international organisations, to establish mechanisms and clear path with a view of ensuring that rape and sexual assault survivors are provided comprehensive support services and assistance with psycho social recovery;
- Considering the mounting effect of displacement on children's rights, the Committee recommends to expand the family tracing network to all affected counties and continue to support follow up to ensure children in foster care and extended family care remain protected and that referrals for family tracing are acted on when possible matches are found;
- On health and sanitation, considering the intensifying nature of the challenges, the Committee recommends that the immediate need and importance of expanding the number of Child Friendly Spaces in the Protection of Civilian (POC) Sites that are providing psychosocial support for affected children and helping them heal from the trauma associated with displacement and conflict and to build their resilience;
- It is necessary for the Government of the Republic of South Sudan and all other actors (including international partners in the education sector) to devise urgent strategies to enable the resumption of early childhood development and education for all the children of this country in the interests of securing some future for today's children;
- With regard to humanitarian aid, it is important for the AU to make all efforts to try and discuss with the rebel groups so that humanitarian aid can be accessed by those areas blocked by rebel groups;
- Finally, the ACERWC would like to call upon the United Nations, the African Union, International and National Organizations and the International Community to recognize and play their pivotal role in addressing the challenges of children in South Sudan and cooperate with the Government in averting the situation.

18. The Committee would like the Executive Council to urge the Government of South Sudan to implement the above recommendations.

19. Finally, the Committee would like to give recognition and commends the efforts of the Government of South Sudan, the African Union, the United Nations Agencies and International and Non-Governmental Organizations in seeking peaceful resolutions to the conflicts and in providing humanitarian assistance to the children in particular.

2.4. Adoption of the Decision on Communication

20. On 27 July 2012 the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child received a communication, pursuant to Article 44(1) of the African Charter on the Rights and Welfare of the Child. The application was submitted by the Centre for Human Rights, University of Pretoria and La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) of Senegal against the Government of Senegal on the situations of *talibés* children (child beggars). The Complainants allege that children as many as 100,000 (known as *talibés*), aged between 4 and 12 years, are sent away by their parents to live in Qur'anic schools known as *daaras* in the urban centres of the Republic of Senegal allegedly to receive religious education. The Complainants allege that the situation depicts the difficulties that such children are facing in attaining government schooling. The Complainants, moreover, allege that the *talibés* are forced by their instructors (known as *marabouts*) to work on the streets as beggars. According to the Complainants, such forced child begging has been an on-going practice in the Respondent State since the 1980s, despite the existence of provisions in the Penal Code outlawing the practice of forcing a child to beg.

21. After receiving the Communication and ruling on admissibility, the Committee called the parties in the communication for a hearing. Following the hearing and careful considerations and analysis of the facts in the communication, the Committee found the Government of Senegal in violation of multiple rights of *talibés* children. The violations include: the best interest of the child; survival and development of the child, the right to education, the rights health and health services, prohibition of child labour, prohibition of sale, trafficking and abduction of children, protection against child abuse and torture, and protection against harmful social and cultural practices.

22. To address the violations the rights of *talibés* children, the Committee recommends the Respondent State take the following measures in light of the African Children's Charter:

- a) Make sure that all *talibés* are immediately taken back from the streets to their families;
- b) Establish functioning and effective institutions and mechanisms for the endeavour to provide the *talibés* with short- and long-term, appropriate; psychological, medical and social assistance in order to promote their full recovery;
- c) Through cooperation with the neighbouring countries (from where some of the children are coming) international and national organisations, facilitate the reunion of the *talibés* with their families;
- d) Establish minimum norms and standards for all *daaras* relating to health, safety, hygiene, education content and quality, and accommodation;

- e) Inspect the *daaras* regularly to ensure that standards set out in the Charter and local legislation are complied with and close all the *daaras* which are not in compliance with the required standards;
- f) With a view of fighting impunity and preventing forced begging, sale, abduction and trafficking in of children, ensure that all the perpetrators are brought to justice and hold accountable for their actions with harsher penalties;
- a) On the *talibés* right to education:
 - i) Make sure that education contributes in promoting and developing their personality, talents and their physical and mental abilities to their fullest potential,
 - ii) The Government's education policy should be reviewed in light of fostering respect for human rights and fundamental freedoms, and
 - iii) Ensure the provision of free and compulsory basic education.
- b) Train law enforcement and judicial personnel, social workers, traditional and religious leaders, parents and the community at large on children's rights in general and prohibitions of child begging in particular;
- c) To undertake joint study with the concerned neighbouring State Parties on the situation of talibés' children in Senegal and countries of Origin;
- d) Take measures to modernize of the *daaras* and integrate them into the formal education system;
- e) Take the necessary steps to fully recognize and implement the rights included in the African Children's Charter and in other international instruments;
- f) While complying with its reporting obligation in accordance with article 43 of the African Children's Charter, the State Party should provide the Committee with sufficient information on the progress of implementation of the current decision; and
- g) The ACERWC calls up on the African Union, International and National Organisations, the UN Agencies, particularly UNICEF, ILO, World Health organisation (WHO), to assist the implementation of these recommendations and alleviate the challenges of talibés in Senegal.

23. The Committee would like the Executive Council to urge the Government of Senegal to implement the above recommendations.

23.2. Adoption of the ACERWC Strategic Plan (2015-2019)

24. The Committee, based on a situation analysis and identification of priority areas, developed its Strategic Plan for the years 2015-2019. The Strategic Plan has been

prepared bearing in mind a number of African Union documents including the framework of Agenda 2063 and the African Union Human Rights Strategy. The Committee therefore has adopted this Strategic Plan.

III. Decisions and Recommendations of the 25th Ordinary Sessions of the ACERWC

3.1. Advocacy Mission on the Situation of Children in Central African Republic

25. In December 2014, the Committee, in line with its mandate as prescribed in Article 45 of the Charter, has undertaken an advocacy mission to assess the situation of children in Central African Republic (CAR). The main objective of the Mission was to advocate for improved protection and response to children affected by the armed conflict in CAR.

26. During the Mission, the Committee notes with regret that the situation in the Central African Republic remains fragile and characterized by multiple, interdependent and basic violations of children's rights. These violations include: killing and mutilation, sexual violence, recruitment and use of children by armed groups, children separated or displaced, the challenges of children living in the enclaves, children living in psychosocial distress, collapse of the education system, and deterioration of the health system.

27. The Committee notes that children in CAR are suffering from psychological distress due to being victims, authors or witnesses of acts of extreme violence. Many children experienced rape by the rival group. At the various meetings that the Committee's Delegation had with partners, problems related to the implementation of children's right to education were raised. Indeed, for over three (3) years, the schools of the Central African Republic have not been operating normally. Most of the schools are burnt and destroyed, tables, benches and teaching materials are stolen. The schools have not been rebuilt and keep being occupied by armed groups particularly in rural areas. Some schools remain closed since the outbreak of the conflict. In some regions, children prefer to engage in gold washing activities rather than going to school for lack of teachers and fear of the conflict and take refuge in more secure areas.

28. The Delegation also notes the existence of several enclaves where children live in unsanitary conditions and under the threat of various armed groups. The situation is particularly worrying for the populations and children living in PK 5 and PK 12 enclaves, in Bangui suburb but also in the areas of Boda, Bouar and Bossangoa.

29. The Committee's Delegation has also noted that there are several refugee camps, where children are neglected because they are orphans. A large number of children are victims of physical and sexual violence in refugee camps, which in the long term have physiological effects on them. Despite the actions of some NGOs, children do not benefit from appropriate psychological care for lack of trained psychologists. In the refugee camps of M'Poko airport visited by the Committee, many children especially young girls are at the mercy of armed groups who use them for all sorts of chores

including making them participate in combats. The Committee also notes that in the south, particularly in the region of Obo, young people are abducted and forcibly recruited by the Lord's Resistance Army (LRA).

30. Moreover, the Delegation notes that the judicial system, especially juvenile justice, does not work effectively. Several crimes are committed by armed groups on young girls without punishment in line with the law. The Delegation was told that out of the 254 cases of sexual violence against women and children perpetrated by armed groups registered for the period covering only July to September 2014, no cases have resulted in lawsuit let alone a conviction. Children have also been targeted by armed groups and subjected to beatings and extreme violence and their consequences in Bangui and in the Sub-Prefectures of Lobaye, Kemo, Mobaye, Ndjoukou, Ngaoudaye and Berberati.

31. ACERWC, therefore, wishes to draw the attention of the Government of the Central African Republic, the Member States of the African Union and other stakeholders on the following recommendations:

- The Committee notes that there is no clear mechanism to effectively coordinate the implementation of the various government and non-government initiatives to protect children affected by the conflict. The Committee is deeply concerned about the fact the action of the various governmental entities dealing with children is limited by low allocation of budgetary resources. It also noted with concern that the social sectors dealing with children rely heavily on funding from external donors, whose contribution is not guaranteed over time and currently tends to decrease.
- The Committee urges the Government of CAR to ensure that a competent high-level body, with sufficient authority, a clear mandate and proper human, technical and financial resources, is created to effectively coordinate efforts undertaken for the promotion of children's rights in the various sectors, both at national and decentralized levels. It recommends the State to conduct a comprehensive assessment of the needs of vulnerable children and adopt a budgeting method allowing to progressively address the persistent disparities in the exercise of children's rights.
- The Committee strongly encourages authorities to carry on efforts to ensure security sector reform and the progressive establishment of an administration of juvenile justice, and urges the State to make a strong commitment towards a greater protection of children through the adoption of a Child Protection Code.
- The Committee recommends a systematic training on children's rights and protection for all professional groups working with children, including law enforcement officers, judges, prosecutors, teachers, health sector staff, social workers and prison staff.

- The Committee recommends the State to take the necessary steps for the effective ratification of the African Charter on the Rights and Welfare of the Child. It also recommends, to further promoting the exercise of the rights of children, to ratify the main international instruments on human rights to which it is not yet a party.
- The Committee recommends the State to strengthen efforts to ensure the right to life, survival and development for all children. It urges the State to restore hope for millions of children and implement educational programs for the public, and respect for the rights and well-being of the child; to take all necessary steps to ensure that children who are victims of violence receive psychosocial support and rehabilitation services; and that they are familiar with the complaints procedures and encouraged to report cases of violence to authorities.
- The Committee recommends the State to take stronger action to end all forms of discrimination against children and urges the Government to formulate a comprehensive strategy to modify and eliminate discriminatory attitudes and practices and support all initiatives to strengthen social cohesion.
- The Committee urges the State to take concrete steps to protect children against sexual abuse and child prostitution and investigate effectively all cases of child sexual abuse, including rape, provide better protection for victims and ensure that perpetrators are brought to justice and punished; set up a complaint system for investigations suitable to children and a legal procedure to protect confidentiality and develop policies and programs for the prevention, rehabilitation and social reintegration of victims.
- The Committee recommends the State to, as part of the Security Sector Reform process, take the necessary measures to prevent the recruitment and use of children by armed groups, investigate effectively and systematically on these recruitments and provide a psychological support and the necessary rehabilitation assistance for child victims of these practices with the support of the UN.
- The Committee recommends the State to strengthen its assistance to displaced children, with a particular attention to children that are unaccompanied and separated from their families, ensuring that a particular mechanism is in place to protect and assist them.
- The Committee recommends the State to design and implement a strong system of primary health care throughout the country; take adequate measures to serve the areas characterized by disparities in medical facilities and services to ensure a quality of care and set up medical facilities and clinics equipped and staffed with qualified medical personnel.

- The Committee recommends the State to allocate more funds in the field of education for schools, services and training and increase the number of schools at all levels of education, especially in rural areas, to ensure equal access to education for all children, including those from minority ethnic groups.
- The Committee recommends the UN Stabilization Mission in the Central African Republic to continue supporting the Central African authorities and ensure the training of troops for child protection before and during deployment.
- The Committee recommends the international community to continue to support the Central African Republic in its efforts for reconstruction, peace and social cohesion consolidation, restoration of the state authority, and the establishment of rule of law.

32. The Committee would like the Executive Council to urge the Government of Central African Republic to implement the above recommendations.

33. The Committee also appreciates the efforts made by the Government of Central African Republic, African Union through the African Union Mission in CAR and Central Africa (MISAC), the UN through the United Nations Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Agencies and the national and international Non-Governmental Organizations in peace-building and strengthening social cohesion in seeking peaceful resolutions to the conflicts and in providing humanitarian assistance to the children in particular.

3.2. Consideration of State Party Reports

34. The Committee considered Initial Report from the Governments of Madagascar, Namibia, and Zimbabwe and Periodic Report from the Government of Rwanda. The Committee allocated sufficient time for each of the State Parties separately and the heads of the delegations from the respective State Parties briefed the Committee on the measures they are taking to implement the provisions of the Charter and presented their achievements and challenges. Following the briefing by each State Parties, the Committee Members raised a number of issues for clarification. The concerns raised by the Members of the Committee include: the inclusive education for children with disabilities, participation of children in policy making and during the celebration of DAC, minimum age of employment, corporal punishment at home, child trafficking and sexual tourism, health service for children in emergency situation. Furthermore, members of the Committee raised a number of other issues regarding protection of family environment; access to education; children imprisoned with their mothers; provision of health services and nutrition; and protection of children in conflict with the law and strengthening the child justice system. Subsequently, the Delegation responded to the concerns that the Committee raised. At the end of the constructive dialogue, the Chairperson of the Committee commended the Governments of Madagascar, Namibia, and Zimbabwe for submitting their Initial Reports and the Government of Rwanda for submitting its first Periodic Report. The Chairperson also appreciated the respective Governments for the

efforts that are being deployed on the ground to create a country fit for its children, and indicated that the Government would receive the recommendations of the Committee in due course.

3.3. Day of the African Child (DAC)

35. As it a practice every year, the Committee decided on the theme of the 2016 Day of the African Child to be **‘Conflict and crises in Africa: protecting all children’s rights’**.

36. The Committee chooses this team in consideration of the ever increasing numbers of conflicts and crises in Africa. Conflict and crises put children in a situation where every right of a child could be violated. The Committee notes that In the chaos of war, mass population movements and other crises, many children become separated from their families. These children have lost the care and protection of their parents when they most need it, they are at risk of abuse and exploitation and their very survival is threatened. The Committee also recognises the fact that recent trends in armed conflict have resulted in new challenges for the protection of children. Previously armed conflict involved confrontations between states, whereas now it mainly consists of high levels of prolonged violence involving a state and one or more armed groups. As battle lines become blurred and fragmented, armed groups increasingly rely on improvised explosive devices and suicide missions, as well as on the use of children to carry out attacks. Both boys and girls have been targeted for recruitment and use by such groups, which radicalize, indoctrinate and manipulate in order to coerce or force children to participate in hostilities, including acts of extreme violence. Girls and boys are often unaware of the actions or consequences of the acts they are manipulated or coerced to commit. Based on these and other grounds, the Committee decided for the DAC theme for the year 2016 to focus on conflicts and crises with the aim of establishing strong mechanisms to protect the rights of all children in Africa.

37. The Committee therefore would like to ask for the Executive Council to adopt the theme for DAC 2016 and requests Member States to report on the implementations of the Committee’s Recommendations.

IV. Other Activities

4.1. Development and Launch of the General Comment on Article 6 of the African Children’s Charter

38. In line with its mandate to formulate and lay down principles and rules aimed at protecting the rights of children in Africa, as stated in Article 42 of the Charter, the Committee has developed a general Comment on Article 6 of the Charter, which is on name and nationality. Article 6 of the Charter recognizes three interlinked rights, namely the right to name, nationality and birth registration. The Committee has approached the principles included in article 6 of the African Children’s Charter in rather innovative manner. For instance, without attaching qualification, article 6 (2) of the African Children’s Charter provides that ‘every child shall be registered immediately after birth’. The Committee expands on the interpretation of this provision and states that ‘for the

right to birth registration to be effective, the Committee holds that it must be universal, free and accessible and made immediately after the birth of a child'. Referring to State obligations under Article 6(4), the Committee regards the existence of up to date, comprehensive and international law-compliant legislation underpinning civil registration as fundamental to the fulfilment of the child's right to a name, and to registration of birth.

39. The General Comment, therefore, gives guidance and explanations on the principles related to name, nationality and birth registration to all stakeholders including agencies of States Parties, civil society organizations, academics, legal practitioners, and civil registry authorities. The Committee then launched this General Comment on 10 February 2015 at the Conference of Ministers responsible for Civil Registration and Vital Statistics in Yamoussoukro- Cote-D'Ivoire.

4.2. Continental Study on the Impact of Armed Conflict on Children

40. With a view of implementing the Decision of the Executive Council (Decision EX.CL/Dec.712 (XXI)) which requests the African Union Peace and Security Council (PSC) to take into account the rights of the child in its agenda and cooperate actively with the ACERWC), the Committee has held a joint meeting with the PSC on 18 February 2014. During the meeting, the PSC welcomed the Committee's request for collaboration on issues related to children and armed conflict. With a view of strengthening the AU's response to the challenges of children and armed conflict, the PSC decided for the AUC to appoint a Special Envoy on Children and Armed Conflict and requested the ACERWC to undertake a study which assesses the situation of children in armed conflict and its impact across the Continent. The Committee commended the suggestion and decided to start the continental study in the year 2015. The objectives of the study are:

- Assess the impact of armed conflict on children in the areas of education, health, adequate food and child protection;
- Assess whether African countries have mechanisms in place which respond to the challenges of especially vulnerable children including girls and separated children during conflict situations;
- Assess the role of children as victims and witnesses in identifying gross violations, including killings, maiming and sexual abuse;
- Assess whether child safeguarding policies in conflict situations are in place; and
- Collect, compile and analyze children's voices on the impact of armed conflict on their rights and welfare.

41. The Committee therefore would like to request the Executive Council to commend its initiative in undertaking the continental study on the impact of armed conflict on children and urges the AUC to appoint the Special Envoy on Children and Armed Conflict.

4.3. Celebrating the 25th Anniversary of the adoption of the African Children's Charter

42. In the year 2015, the ACERWC celebrates the 25th year anniversary of the adoption of the African Children's Charter. The Committee notes that there is much to celebrate as we mark this 25th anniversary of the Charter. Up to date, 47 Member States of the African Union have ratified the Charter and there is an encouraging pace with regard to State Party's compliance on their reporting obligation on the implementation of the Charter. State Parties to this instrument are taking legal and practical measures to harmonize their national laws and policies on children with international and regional standards, the Constitutions of many African countries cover the rights of the child in considerable detail, which evidently help to ensure the full realisation of the rights and well-being of children in Africa.

43. However, with all the progress towards the protection of children's rights, grave child rights violations remain an urgent and serious concern in many African countries. Regarding ratification of the Charter, there are still seven countries who have not yet ratified, namely the countries are Tunisia, Sao Tome and Principe, Democratic Republic of Congo, Saharawi Arab Democratic Republic, South Sudan, Central African Republic and Somalia. Four State Parties, namely Botswana, Egypt, Mauritania and Sudan, have also placed reservation on the implementation of some of the provisions of the Charter. Only 29 out of the 47 ratifying State Parties have submitted their report to the Committee. Therefore, the Committee strongly believes that celebrating the 25th anniversary of the African Children's Charter is an urgent reminder that we have still a long way to go and much remains to be done to create an Africa fit for children.

44. Hence, the Committee would like the Executive Council to urge Member States which have not yet ratified to ratify that Charter, State Parties which have made reservations to withdraw them and State parties which have not yet reported on the implementation of the Charter to comply with their obligations.

V. Recommendations

45. 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 urge the Government of South Sudan and the Central African Republic to strengthen their effort to address the challenges of children in their respective jurisdictions and comply with their obligations as set by international, regional and national instruments;
- To urge the Government of Senegal to implement the recommendations of the ACERWC Decision on Communication against the Government of Senegal (DECISION: No 003/Com/001/2012);
- The Committee would also like to bring to attention of the Executive Council the fact that seven Member States are yet ratify the ACRWC. These

countries are: Tunisia, Sao Tome and Principe, Democratic Republic of Congo, Saharawi Arab Democratic Republic, South Sudan, Central African Republic and Somalia. Therefore, the ACERWC would like the Executive Council to engage these countries to expedite the process of ratification of the Charter;

- The ACERWC would also like to draw the attention of the Executive Council to urge State Parties which have not yet reported to the Committee to comply with their reporting obligations;
- Four State Parties, namely Botswana, Egypt, Mauritania and Sudan, have placed reservation on the implementation of some of the provisions of the ACRWC. The ACERWC, therefore, would like the Executive Council to engage these State Parties so that they withdraw their reservations;
- The ACERWC would also like the Executive Council to adopt the theme of the 2016 Day of African Child (DAC), which is on “**Conflict and crises in Africa: protecting all children’s rights**” as the theme for the Day of the African Child 2016 and to request Member States to report on the participation of the ACERWC Recommendations on the theme.

2015

Report of the African committee of experts on the rights and welfare of the child (ACERWC)

African Union

African Union

<http://archives.au.int/handle/123456789/4792>

Downloaded from African Union Common Repository