STATEMENT BY EQUALITY NOW DURING THE 46th ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD, 27 NOVEMBER 2025, MASERU, THE KINGDOM OF LESOTHO

Honourable Chairperson of the ACERWC, ACERWC Committee members, State-Party Representatives, and Fellow Civil Society Representatives.

Introduction

Equality Now, an international Human rights organisation (with observer status No. OBS/029/2018), commends and congratulates the Honourable Chairperson and the Honourable Expert Members for the successful convening of this 46th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child. This year, 2025, marks the 35th Anniversary of the African Charter on the Rights and Welfare of the Child and 30 years of the Beijing Declaration and Platform for Action.

While member states and stakeholders have made commendable progress in advancing the rights of children in Africa, the pace of progress remains disturbingly slow, affected by resource limitations, climate change-related and conflict emergencies, inadequate participation of children in planning and budgeting for programs, and essential services affecting them increasing online risks and harms, legal protection gaps, and inadequacies leading to impunity and lack of sustained protection of children against harmful practices, sexual exploitation, violence, and abuse. In view of the foregoing, we submit our statement as follows;

1. Addressing emerging issues of Child marriage and strengthening protection for survivors.

The African Charter on the Rights and Welfare of the Child, a pioneering instrument adopted in 1990, was the first regional or international law that clearly laid out that the minimum age for marriage should be 18 years. Africa is still recording one of the highest prevalence rates of child marriage across the globe. Efforts to address child marriage are also confronted with a rapidly evolving context with emerging drivers including climate change, conflict and insecurity, migration and displacement, deepening poverty, economic inequality, and some technology-related drivers. Survivors of child marriage face distinct challenges, including legal barriers, health risks, social stigma, and limited access to justice, health and psychosocial support services, educational disruption, and economic dependence, which reduce their ability to achieve independence or exit harmful situations. We call for the committee to ensure that member states:

- Prioritise Addressing Emerging Drivers of Child Marriage in Eastern and Southern Africa and Strengthening Protection for Children Already in Marriage.
- Harmonise statutory, religious, and customary laws to eliminate contradictions, ensuring the minimum age of marriage is set and enforced at 18 years, without exceptions, and strengthen multisectoral collaboration and coordination, and provide adequate budget allocations, technical support, and tools to duty bearers to enforce laws and deliver

services for community Engagement and Social Norms Change, education and empowerment of Girls, accountability, and effective oversight.

2. Prosecution of Female Genital Mutilation (FGM) victims in Kenya

Honourable Chair, Equality Now expresses deep concern about the prosecution of victims and survivors of FGM in Kenya. Victims are arrested after having gone through FGM and charged, under the Prohibition of Female Genital Mutilation Act (the Anti-FGM Act), with the offence of failure to report the commission of an offence (Section 24). This is a worrying trend that instils fear in victims, preventing them from seeking crucial services such as medical care when complications occur and discourages them from reporting to law enforcement officers, thereby serving as a barrier to their right to access to justice. Further, following the case Kamau v Attorney General & 2 others (Constitutional Petition 244 of 2019), the Government was directed in 2021 by the Constitutional Court to amend the Anti-FGM Act to prohibit all forms of FGM; however, the Act remains as it was.

We call upon the Government of Kenya to:

- Amend the Anti-FGM Act in line with the High Court Judgement and include provisions expressly prohibiting the prosecution of victims of FGM.
- Ensure that psychosocial support, free legal aid, and emergency medical services are available for victims of FGM as and when they need such services.

3. The status of girls' right to education in Tanzania

Tanzania took a landmark step by officially revoking a decades-long ban on pregnant schoolgirls returning to education through Tanzania's 2021 Education Circular No. 2. This marked a significant policy shift by allowing pregnant and parenting learners to return to school, resulting in more than 22,000 girls re-entering the education system; however, However, implementation faces critical challenges and significant barriers remain including mandatory two-year waiting periods post-childbirth, automatic exclusion by denial of:re-entryafter a second pregnancy, inadequate budgets, lack of psychosocial support, missing infrastructure like daycare facilities, and persistent discrimination, alongside the government's failure to implement key ACEWRC recommendations from LHRC & CRR v. Tanzania. Despite the African Committee of Experts on the Rights and Welfare of the Child (ACEWRC) ruling in 2022 recommending comprehensive measures such as banning mandatory pregnancy testing, improving sexuality education, and creating enabling school environments, these directives remain largely unimplemented. We call for the government of Tanzania to:

- Fully implement ACEWRC decisions by eliminating discriminatory barriers like waiting periods and exclusions; invest in critical infrastructure, including daycare and lactation facilities; launch comprehensive sensitisation campaigns to combat stigma in schools and communities; strengthen sexuality education; and establish accountability mechanisms to investigate circumstances of student pregnancies.
- Adopt clear laws protecting pregnant and parenting learners' right to education, remove discriminatory administrative barriers, ensure adequate budgets and supportive services, strengthen sexuality education, and fully implement regional human rights decisions to create truly enabling school environments where all girls can return, remain, and succeed.

4. Adolescent Sexual and Reproductive Health and Rights (SRHR)

The recent decision by Rwanda in 2025 to lower the age of access to contraceptives marks a significant step forward in advancing adolescent sexual and reproductive health and rights (SRHR) on the continent, demonstrating growing recognition of adolescents' autonomy and the need for rights-affirming policies. However, this reform highlights the persistent continental crisis where adolescents face formidable barriers, including restrictive laws, pervasive stigma, cultural taboos, inadequate investment in youth-friendly services, and limited comprehensive sexuality education (CSE).

Health systems largely fail to provide confidential, non-judgmental, adolescent-responsive care, with unmarried girls experiencing heightened discrimination. Harmful practices such as child marriage, sexual violence, and exploitation exacerbate vulnerability, while weak accountability mechanisms prevent effective redress. Critically, the absence of robust, age and sex-disaggregated data on adolescent pregnancy, contraceptive access, unsafe abortion, and sexual violence undermines evidence-based policymaking and accountability, resulting in ongoing teenage pregnancies and unsafe abortions that compromise girls' dignity, bodily autonomy, and life prospects. In light of these challenges, Equality Now urges the Committee to encourage Member States:

- To reform national laws to remove access barriers and harmonise legislation with regional human rights instruments; scale up youth-friendly, confidential, and affordable SRHR services;
- Strengthen comprehensive sexuality education in schools and communities; reinforce mechanisms to prevent and respond to sexual violence, early pregnancy, and other SRHR-related harms; and
- improve data collection and reporting on adolescent SRHR. Addressing these gaps is essential to ensuring that Rwanda's progress becomes the norm across the continent, and that all adolescents can fully enjoy their sexual and reproductive health and rights.

5. Call for Strengthening Legal Protection Mechanisms to Protect Children from Sexual Exploitation and Violence

Children across Africa, particularly girls, face increasing sexual exploitation and trafficking, both online and offline. Evidence from recent reports, including studies by ChildFund/ACPF, UNICEF, UNODC, and INTERPOL, shows that online grooming, digital exploitation, and child trafficking are rising at alarming rates across Kenya, Uganda, South Africa, Ethiopia, and other countries. Further, the report shows that more than half of trafficked persons in Sub-Saharan Africa are children, with girls disproportionately affected by sex trafficking. Trafficking cases are misidentified or downgraded, investigations are delayed, and weak protection systems allow continued revictimization. Despite existing laws, implementation remains inconsistent, as frontline officers often lack specialised training, referral pathways are fragmented, and survivors and children at risk face significant barriers to reporting due to stigma, fear, and the absence of child-friendly services. Technology-facilitated trafficking is growing rapidly, yet many Member States have not updated legal frameworks to address sexual exploitation and abuse in the digital environment, including online grooming, child sexual coercion and extortion and the use of generative AI in exploitation and abuse of children.

Equality Now calls on ACERWC and all Member States to take coordinated action to:

- Strengthen legal and institutional safeguards. Governments must close legislative gaps, fully enforce anti-trafficking and SGBV laws,

- Adequately resource child protection systems, and ensure survivor-centred justice with psychosocial support and safe reporting mechanisms.

Twenty African countries still deny women equal nationality rights, undermining the rights of women, girls, and their families. With Liberia and Benin removing discriminatory provisions, progress is possible and must accelerate.

We call on Member States to:

- Repeal and amend discriminatory nationality laws;
- Ensure equal rights for women and men to confer nationality to children and spouses;
- Implement regional jurisprudence, including ACERWC Decision 002/2018;
- Ratify and domesticate the AU Draft Protocol on Nationality using a gender-transformative approach;
- Support the development of joint ACERWC–ACHPR interpretative guidance on gender equality in nationality laws;
- Centre the lived experiences of stateless women and girls in reforms.

Conclusion

Equality Now remains committed to supporting the Committee in contributing to initiatives and efforts to implement the African Charter on the Rights and Welfare of the Child (ACRWC) to promote and protect children's rights in Africa.

Thank you.