

Chapter 28

Article 27

Sexual exploitation

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1. State parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:
 - (a) the inducement, coercion or encouragement of a child to engage in any sexual activity;
 - (b) the use of children in prostitution or any other sexual practices;
 - (c) the use of children in pornographic activities, performances and materials.

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1 Introduction

First, although the text provides for a first subsection as indicated above, there in fact is no second subsection. Second, it is worth pointing out that the entire article is couched in gender neutral language (as it should be), so despite the references to women's human rights treaties below, this article does not merely concern gender-related sexual exploitation. Third, although the African Charter on the Rights and Welfare of the Child (African Children's Charter) was drafted in the pre-internet era, the provisions contained in article 27 clearly straddle the digital divide, as is recognised by the dedicated General Comment of the African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee) on article 27.¹ This General Comment forms the basis of much of the legal interpretation of the article in part 4 below.

1 https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-27-of-the-ACRWC_English_0.pdf (accessed 3 October 2023).

By way of backdrop, sexual exploitation, especially of women and girls, is endemic in Africa. This is in part due to the pervasive traditional attitudes towards women, entrenched patriarchy and the subordinate position of women in African society. Harmful masculinities caused by negative socialisation, such as the restriction of emotional expression and the pressure to conform to expectations of dominance and aggression, may heighten the potential for boys and men to engage in general acts of violence.² Child sexual abuse is exacerbated by the culture of silence common in African communities, and the unwillingness or inability of children to speak out, due to their vulnerability or inadequate reporting and response mechanisms. The actual extent of the phenomenon remains unknown, as neither a global nor African estimation of its prevalence exists. Sexual violence is also endemic in armed conflict situations, including by armed forces and groups, as well as peace keepers. It would be difficult to conclude that significant strides towards the reduction or elimination of sexual exploitation and violence have been made.

The African Union (AU) has for long expressed concern, in different forms, about the prevalence of sexual exploitation of women and children on the continent. This has manifested, among others, in plans of action to reduce gender-based violence,³ to end child marriage,⁴ and to address impunity for violations committed during peace-keeping operations in Africa.⁵ The AU hosted a Global Summit on Online Child Sexual Exploitation in December 2019, in collaboration with We Protect Global Alliance. Similarly, the African Commission on Human and Peoples' Rights (African Commission) developed and issued Guidelines on combating sexual violence and its consequences in Africa.⁶

The African Children's Committee hosted a Day of General Discussion (DGD) on Online Child Sexual Exploitation (OCSE) during its thirty-third ordinary session in 2017. An increase in internet usage was noted, which comes with a bigger risk of children being susceptible to and sexually exploited online.⁷

In the regional context, COVID-19 exacerbated sexual exploitation due to school lockdowns.⁸ Globalisation has also resulted in increased connectivity among different groups, across different countries and regions, which contributes to children's increased access to information, but at the same time exposes them to predatory sexual exploiters and abusers.

The implementation of article 27 in the context of the African Children's Charter as a whole involves taking a wide range of measures to provide protection, enhance access to quality basic social support and healthcare services and to justice, and improve the overall safety and well-being of every individual child.⁹

2 General Comment 7 para 8.

3 Maputo Plan of Action 2015-2030, https://au.int/sites/default/files/documents/24099-poa_5-_revised_clean.pdf (accessed 3 October 2023).

4 African common position on the AU campaign to end child marriage in Africa, https://au.int/sites/default/files/documents/31010-doc-cap_on_ending_child_marriage_-english_0.pdf (accessed 3 October 2023).

5 African Union Policy on Prevention and Response to Sexual Exploitation and Abuse for Peace Support Operations, <https://reliefweb.int/report/world/african-union-policy-prevention-and-response-sexualexploitation-and-abuse-peace> (accessed 3 October 2023).

6 The Niamey Guidelines, https://www.achpr.org/public/Document/file/English/achpr_eng_guidelines_on_combating_sexual_violence_and_its_consequences.pdf (accessed 3 October 2023).

7 Report of the 33rd ordinary session of the African Committee of Experts on the Rights and Welfare of the Child paras 53-54.

8 S Witting 'Optional Protocol 2 on the Sale of Children, Child Prostitution and Child Pornography' in T Liefwaard & J Sloth-Nielsen (eds) *A commentary on the United Nations Convention on the Rights of the Child* (2022) 4.

9 General Comment 7 para 32.

This chapter next deals with links to other African Children's Charter articles. Thereafter, it examines links to other human rights treaties, before proceeding with a legal analysis of the text of article 27. A discussion of the jurisprudence of the African Children's Committee follows, whereafter a conclusion wraps up the contribution.

2 Links to other Charter articles

The provisions of article 27 are closely linked to article 16 (protection against child abuse and torture) since abuse, neglect and maltreatment expressly includes sexual abuse.¹⁰ Further, article 29 can be of relevance, since the protection of children against sale, trafficking and abduction as governed by this article would include sale for sexual exploitation, trafficking for the purposes of sexual exploitation, or abduction for the same reason.

Obviously, also, some of the more generic articles bear relevance, such as the best interests of the child (article 4(1)); optimal survival and development (article 5); and non-discrimination (article 3) insofar as sexual violence largely is a manifestation of gender-based violence. Article 1 (the general implementation clause) requires legislative and other measures necessary to give effect to the Charter to be adopted. Some of these 'other measures' (such as specific witness protections for sexual offence prosecutions) are discussed in part 6 below.

The prohibition against harmful cultural practices (article 21) implicates those practices that involve sexual exploitation and sexual abuse, such as *ukuthwala* (abduction for the purposes of forced marriage) in South Africa and *kusasa fumbi* (sexual cleansing by a 'hyena' (*afisi*)) in Malawi.¹¹ These are discussed below at 4.1. Article 21(2) prohibits the marriage of boys and girls aged below 18 years, and child marriage constitutes a form of (sexual) violence against children.

3 Links to other human rights treaties

3.1 Convention on the Rights of the Child

Article 34 of the Convention on the Rights of the Child (CRC) is the functional equivalent of article 27 of the African Children's Charter. However, whereas article 27 exhorts state parties to 'take measures' to combat the listed prohibited behaviours, article 34 of CRC adds more specificity, requiring state parties to take 'all appropriate national, bilateral and multilateral measures' to achieve the preventive purposes of the provision. It is submitted that there is not much, if anything, that turns on this distinction, since the Charter in any event does not exclude national, bilateral and multilateral co-operation.¹²

Where CRC adds more ballast to article 34 is via its article 39, which requires state parties to take all appropriate measures to promote the psychological and physical recovery of victims of any form

10 In terms of art 16(2), states are required to adopt protective measures to protect children against child abuse and torture. These measures include the establishment of special monitoring units to provide the necessary support for the child and those who have the care of the child. This support also includes psycho-social support and other form of support necessary to deal with the physical and psychological effects of abuse on children. States also have an obligation to adopt other forms of prevention and for identification, reporting, referral investigation, treatment, and follow-up of instances of child abuse and neglect. This includes thorough investigation of cases of abuse and ensuring that the victims are provided remedies. The Committee reiterates that the obligation of state parties to protect children from abuse and torture arises even if the violation is a result of an individual. *African Centre for Justice and Peace Studies on behalf of Ms Umjumah Osman Mohamed v Sudan*, No 16/Com/004/2020, received 25 June 2020, admissibility decision March 2021, decided on merits April/May 2023 (*Sudanese Rape/Adultery*) paras 84 & 85, discussed further in part 5 below.

11 Also practised in Zambia, Uganda, Tanzania, Mozambique, Angola, Côte d'Ivoire and Congo. See Malawi: The human hyenas - The Round Table (commonwealthroundtable.co.uk) (accessed 15 August 2023).

12 See the section of the General Comment dealing with multilateral co-operation in investigation and prosecutions (para 107). The Charter itself does not mention national, bilateral and multilateral co-operation.

of neglect, exploitation or abuse. Sexual exploitation is covered by necessary implication. There is no equivalent of this provision in the African Children's Charter. Nonetheless, through its communications procedure, the African Children's Committee has by inference required state parties to adopt measures that promote the recovery of victims of sexual violence, notably in the communication against Cameroon.¹³

Article 19 of CRC is also of significance in relation to article 27, covering as it does the requirement that state parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, including sexual abuse, while in the care of parent(s), legal guardians or others having the care of the child. To date, the UN Committee on the Rights of the Child has issued a General Comment directly interpreting article 19, namely, General Comment 13 of 2011,¹⁴ which addresses sexual violence in paragraphs 25 and 31(a) and (b).

3.2 Optional Protocol to CRC on the sale of children, child prostitution and child pornography (2000)

The Optional Protocol¹⁵ commences with the adoption of several definitions that are relevant to understanding the scope and import of article 27. In particular, article 1 defines:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; and
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3 requires that states ensure that, as a minimum, the specified acts and activities listed in that article are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organised basis. Each state party must take such measures as may be necessary to establish its jurisdiction over these offences when the offences are committed in its territory or on board a ship or aircraft registered in that state.¹⁶ Jurisdiction must also be established when the alleged offender is a national of that state or a person who has his habitual residence in its territory, and when the victim is a national of that state. The mentioned offences shall be deemed to be extraditable offences in any extradition treaty existing between state parties.¹⁷ Article 6 requires states to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3.

Article 8 obliges state parties to adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process, in particular by recognising the vulnerability of child victims and adapting procedures to recognise their special needs, by informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases, and by providing appropriate support

13 *The Institute for Human Rights and Development in Africa and Finders Group Initiative on behalf of TFA (a minor) v Cameroon*, No 6/Com/002/2015, decided May 2018 (*Cameroonian Child Rape*) paras 48, 81 & 82.

14 CRC/C/GC/13.

15 See for more detail <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child> (accessed 7 November 2024). Only Somalia remains to ratify this Optional Protocol, and six African states have signed but not yet ratified: Zambia, Cameroon, Kenya, Togo, Liberia and Ghana.

16 Art 4.

17 Art 5.

services to child victims throughout the legal process. Unnecessary delays in the disposition of cases and the execution of orders or decrees granting compensation to child victims must be avoided, and privacy and confidentiality of victims must be respected.

3.3 Lanzerote Convention, Budapest Convention and Luxembourg Guidelines

The Lanzerote Convention¹⁸ aims to serve as a ‘comprehensive international instrument focusing on preventive, protective and criminal law aspects of the fight against all forms of sexual exploitation and sexual abuse of children and setting up a specific monitoring mechanism’. It requires the criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators. Its aims include protecting the rights of child victims of sexual exploitation and sexual abuse, as well as promoting national and international cooperation to combat sexual exploitation and sexual abuse.¹⁹ Tunisia became the first non-Council of Europe state to accede to it.

The CRC Committee endorsed the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group on the Protection of Children from Sexual Exploitation and Abuse (Terminology Guidelines) in Luxembourg, 28 January 2016.²⁰ The CRC Committee also produced Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.²¹

The Council of Europe Cybercrime Convention (Budapest Convention), 2003²² is a treaty on cybercrime and international collaboration in this field. It was initiated and drafted by members of the Council of Europe and is open for signature and ratification by its member states as well as by non-member states.²³ Among the various forms of cybercrimes regulated by the Convention is also a provision on child pornography. It is the only international treaty with cyber-specific mutual legal assistance (MLA) and extradition provisions.

3.4 Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee adopted a General Recommendation on Violence against Women expounding the definition and scope of violence against women under CEDAW.²⁴ General Recommendation 19 defines gender-based violence as ‘violence that is directed against a woman because she is a woman or that affects women disproportionately’.²⁵ It is a clearly-established norm that sexual abuse such as rape occurring

18 Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse CETS 201, <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=201> (accessed 8 November 2024).

19 Art 1.

20 Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Bangkok 2016, https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf; ECPAT, T (accessed 8 November 2024).

21 CRC Committee Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/156 (May 2019).

22 ETS 185 (Budapest 23 X1 2001), <https://www.coe.int/en/web/cybercrime/the-budapest-convention> (accessed 8 November 2024).

23 Benin, Cabo Verde, Cameroon, Côte d’Ivoire, Ghana, Mauritius, Morocco, Nigeria, Senegal and Sierra Leone have ratified it. Several African countries have been invited to accede. See www.coe.int/en/web/cybercrime/parties-observers (accessed 8 November 2024).

24 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FGEC%2F3731&Lang=en (accessed 15 October 2024).

25 CEDAW Committee (n 24) para 6.

within the general public is one form of gender-based violence. This General Recommendation has been referenced in the African Children's Committee jurisprudence, discussed below.

3.5 African Women's Protocol

Article 3(4) of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol)²⁶ under the title 'the right to dignity' requires that state parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. Article 4 contains the principles that every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited. Furthermore, state parties shall take appropriate and effective measures to

- (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
- (b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
- (c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence.

States are required to punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims,²⁷ and to establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.²⁸

Under the title 'access to justice', article 8(a) of the Protocol requires state parties to take all appropriate measures to ensure effective access by women to judicial and legal services, including legal aid. As regards educational institutions, the Protocol²⁹ demands that women, especially the girl child, be protected from all forms of abuse, including sexual harassment in schools and other educational institutions, and states must provide for sanctions against the perpetrators of such practices, as well as access to counselling and rehabilitation services to women who suffer abuses and sexual harassment in educational settings. As regards reproductive health rights, article 14(2)(c) protects the reproductive rights of women by authorising medical abortion in cases of, among others, sexual assault. Article 23(b) requires states to ensure the rights of women with disabilities to freedom from violence, including sexual abuse.

3.6 Other relevant African Union documents

The African Commission adopted the Declaration of Principles on Freedom of Expression and Access to Information in Africa in 2019. Principle 42(6) provides that the harmful sharing of personal

26 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopted by the 2nd ordinary session of the AU Assembly, Maputo, Mozambique, 11 July 2003, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf (accessed 8 November 2024). See A Rudman, CN Musembi & TM Makunya (eds) 'The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (2023), specifically ch 3 ('Right to dignity') by C Kreuser and ch 4 ('The rights to life, integrity and security of the person') by R Nekura.

27 Art 4(2)(e).

28 Art 4(2)(f).

29 Arts 12(1)(c) & (d).

information, such as child sexual abuse, or the non-consensual sharing of intimate images, shall be established as offences punishable by law.³⁰

The AU adopted its Convention on Cyber Security and Personal Data Protection on 27 June 2014. It appears that more than the 15 AU member states required to ratify for it to enter into force have now done so. Article 1 of the Convention defines ‘child pornography’ as

any visual depiction, including any photograph, film, video, image, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where

- (a) the production of such visual depiction involves a minor;
- (b) such visual depiction is a digital image, computer image, or computer-generated image where a minor is engaging in sexually explicit conduct or when images of their sexual organs are produced or used for primarily sexual purposes and exploited with or without the child’s knowledge;
- (c) such visual depiction has been created, adapted, or modified to appear that a minor is engaging in sexually explicit conduct.

It criminalises the producing, registering, manufacturing, disseminating, procuring and possessing of ‘child pornography’ and exposing minors to ‘images, documents, sound or representation of a pornographic nature’. Lastly, it requires states to strengthen regional harmonisation and encourages the signing of mutual legal assistance agreements.

The AU also conducted a Continental Consultation on combating online child sexual abuse (OCSE) in 2019 under the theme ‘Protecting Children from Abuse in the Digital World’. The principal objective of the continental consultation was to raise awareness among AU member states on the dangers of OCSE as an emerging cybercrime, and to encourage member states to commit to address OCSE.³¹ The AU also hosted a Global Summit on online child sexual exploitation in December 2019, in collaboration with We Protect Global Alliance to raise attention and enhance understanding of online child sexual exploitation among high-level decision makers, among other objectives.³² The AU Commission also has a Strategy and Action Plan against Online Child Sexual Exploitation and Abuse (OCSEA) in Africa (2020-2025).³³

3.7 ILO Convention 182 on the Worst Forms of Child Labour (2000)

The exploitation of children in prostitution has been deemed one of the worst forms of child labour for the purposes of this Convention.

4 Legal interpretation

4.1 General remarks

In line with the general typology of obligations, the obligation engendered by article 27 entails the obligation to respect, protect and fulfil children’s rights to protection from sexual exploitation.³⁴ Sexual

30 <https://www.achpr.org/legalinstruments/detail?id=69#:~:text=The%20Declaration%20of%20Principles%20of,2019%20in%20Banjul%2C%20The%20Gambia> (accessed 21 July 2022).

31 African Union ‘Continental consultation on combating online child sexual exploitation’ 2019, <https://au.int/en/pressreleases/20190306/african-unioncontinental-consultation-combatting-online-child-sexual> (accessed 21 July 2024).

32 African Union ‘Global summit to tackle online child sexual exploitation’, <https://au.int/en/newsevents/20191211/global-summit-tackle-online-child-sexual-exploitation> (accessed 21 July 2024).

33 O Sibanda ‘Towards a more effective and coordinated response by the African Union on children’s privacy online in Africa’ (2022) 6 *African Human Rights Yearbook*.

34 African Children’s Committee General Comment 7 para 2.

exploitation includes any actual or attempted abuse of a position of authority, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.³⁵ Sexual exploitation of children can be commercial or non-commercial. It may include exploitation of children in prostitution, the use of children in pornography, child trafficking for sexual exploitation and child marriage. Sexual abuse is traditionally defined as 'actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions'. Child sexual abuse has been defined as the involvement of a child in sexual activity that they do not fully comprehend, are unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.³⁶ Ending child marriage or union, which has been regarded as synonymous with ending sexual violence,³⁷ is a key obligation in the best interests of children.

Child sexual abuse can amount to a form of torture or cruel, inhuman, or degrading treatment.³⁸ CSEA committed during armed conflict has been held to constitute a war crime,³⁹ a crime against humanity, or a constitutive act with respect to genocide.⁴⁰

The obligation contained in article 27 is one that is capable of immediate fulfilment and is not subject to the availability of resources or to progressive realisation.

Child victims should be afforded the maximum assistance when participating in criminal and civil justice processes, such as having recorded testimony presented, through victim impact statements, and through other measures designed to facilitate their optimal participation.⁴¹

Many countries do not have child and adolescent friendly health services (including trained healthcare professionals) that provide services to victims. This includes the provision of emergency contraceptives and safe abortion services which are important to address resulting pregnancies. Restrictive laws that do not allow victims of violence to access safe abortions; put age-based restrictions for accessing reproductive health services; require parental consent to access to these services; and place reporting the sexual violence to law enforcement authorities as a requirement to accessing the health services and vice versa all contribute to the problem.⁴²

Where the alleged perpetrator of sexual abuse on the child is a parent, family member or a primary care giver, measures taken should involve careful consideration of the fact that the child's disclosure should not worsen their situation, and that of other non-offending members of the family, and should not aggravate the trauma experienced by the child. Victims who allege sexual abuse by parents or care givers should not be interviewed in their presence.⁴³ State parties are enjoined to consider removing the

35 General Comment 7 para 19.

36 General Comment 7 para 20.

37 The African Union's Goodwill Ambassador on Ending Child Marriage, Nyaradzayi Gumbonzvanda, has argued this: <https://www.devex.com/news/devexplains-do-we-need-a-new-term-for-childmarriage-90039> (accessed 21 July 2024).

38 Terminology Guidelines (n 20) 16. This explains the findings of the African Children's Committee in the three communications dealing with child rape, discussed below.

39 See *Prosecutor v Ntaganda* Case ICC-01/04-02/06 OA5, Judgment, 1-2 (15 June 2017), https://www.icc-cpi.int/CourtRecords/CR2017_03920.PDF (accessed 21 July 2024).

40 The Statute of the Special Court of Sierra Leone lists rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence as a crime against humanity (art 2(g)), and art 3(e) lists outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault as serious violations of art 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977.

41 General Comment 7 para 46.

42 General Comment 7 para 15.

43 General Comment 7 para 63.

perpetrator from the home instead of the child, who may experience removal as a punishment. Release of family members from pretrial custody where they may have continued access to the child and may jeopardise their safety should be avoided.⁴⁴

The non-discrimination principles include that targeted measures shall be taken to provide protection to those who are most vulnerable to being victims of sexual violations, including children with disabilities, children in care institutions, children in conflict situations, children in street situations, and displaced and migrant children. That girl children are at heightened risk is axiomatic, but states should also ensure that responsive measures are tailored to, and cater for, boy children when they report sexual violations.⁴⁵

As a general point, it has been noted that because the terms ‘exploitative’ and ‘unlawful’ in article 34 of CRC have been left out of article 27, hence eliminating the notion of the possibility of children’s consent to participating in sexual activities, prostitution or pornography, the African Children’s Charter follows a similar protectionist view as OPSC. However, Witting argues that the African Children’s Committee in its recently published General Comment 7 on article 27 now

takes a much more differentiated view, by acknowledging that consensual sexual activity amongst adolescents is not inherently harmful or exploitative and that the criminalisation of all sexual activity with a person below the age of 18 years, including adolescents, will not stop adolescents from engaging in sex, but rather drive the sexual activity underground and prevent adolescents from accessing sexual reproductive health services ... the General Comment makes the same exemption for consensual online sexual activity between adolescents, hence following international best practice as described in the Lanzarote Convention or in the OPSC Guidelines. Against this background, General Comment No 7 fundamentally changes the conceptualisation and interpretation of sexual abuse in the context of the ACRWC.⁴⁶

4.2 Inducement, coercion or encouragement

Physical coercion of children is a common characteristic of forced sexual activity. However, inducement or coercion can also be caused by psychological pressure or manipulation, undue influence, abuse of power, or someone taking advantage of a coercive environment or someone’s inability to furnish free and informed consent. ‘In kind’ forms of commercial sexual exploitation in the African context involve sexual favours for food, humanitarian donations, clothes, personal accessories and even airtime.

Measures that state parties can take to reduce children’s exposure to inducement, coercion or encouragement include gender-sensitive urban planning, the provision of safe learning and leisure environments, girls’ empowerment and education and awareness raising.⁴⁷

Inducement can also involve grooming of children so that their resistance to impending sexual violations weakens and dissipates. ‘Grooming’ means befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child’s inhibitions with the objective of sexual abuse. Enticement of children is sometimes used as a synonym for the ‘solicitation of children for sexual purposes’.⁴⁸

44 General Comment 7 para 64.

45 General Comment 7 para 40.

46 Witting (n 8) 20.

47 General Comment 7 para 66.

48 General Comment 7 para 22.

Child grooming is often used to lure children into trafficking, child prostitution, and offences related to the production of child pornography. An image, depiction or recording of a child online remains that of a child even when the person depicted has moved into adult age.⁴⁹

The impact of grooming upon children can be extensive, and often results in a failure to disclose the offence because the child feels that they have actively contributed to the situation.⁵⁰ Grooming can occur in both offline and online environments, sometimes with prospective abusers posing themselves as children in order to make the contact.⁵¹

4.3 The use of children in prostitution or other sexual practices⁵²

Relationships in which sexual acts are exchanged for cash, goods or benefits, often linked to economic survival or opportunities, educational achievement or social status, involving children below the age of 18, are a form of exploitation of the child, on the basis that children cannot legally consent to engaging in commercial or commodified sexual activities that include a remuneration or any other form of consideration (the exception being the normal exchange of gifts among adolescents involved in consensual and non-exploitative sexual relationships with peers).⁵³ A child does not under international law have the capacity to consent to their own sexual exploitation.⁵⁴ Therefore terms such as ‘voluntary child prostitution’, ‘transactional sex’ and ‘child sex workers’ should be avoided, as they mask the exploitation involved.

The term ‘child prostitution’ does not accurately cover what really happens to the child and could be interpreted as implying that it represents a legitimate form of sex work, or could contribute to shifting the blame onto the child. The African Children’s Committee encourages state parties to avoid the use of the term ‘child prostitution’ as much as possible, and to instead use the term ‘sexual exploitation of children in prostitution’. It is a form of sexual exploitation of children. The acts of offering, obtaining, procuring or providing a child for prostitution should be criminalised, whether committed for remuneration or for any other form of consideration.⁵⁵

Criminal laws should extend to include prohibitions on children being advertised for prostitution through websites or mobile phone applications. However, children who are victims of sexual exploitation in prostitution should never be subjected to criminal justice processes or sanctions.

Transactional sex⁵⁶ or relationships in which sexual acts are exchanged for cash, goods or benefits, often linked to economic survival or opportunities, educational achievement or social status and which

49 Terminology Guidelines (n 20) 23.

50 General Comment 7 para 69.

51 See A Kaviani-Johnson ‘Grooming and child sexual abuse in organisational settings: An expanded role for international human rights law’ (2023) 16 *Journal of Human Rights Practice* 355-373.

52 CRC art 34(b) refers to the *exploitative* use of children in prostitution or other *unlawful* sexual practices; and 34(c) to the *exploitative* use of children in pornographic performances and material. The textual difference between the Charter formulation and that of CRC is material: As Witting points out: ‘This means that at least in theory, children could participate in prostitution or pornographic performances if they give free and informed consent and are not exploited in the process. While CRC at least seems to consider that sexual exploration might extend to children’s participation in prostitution and pornography if no exploitative element is present, OPSC takes a very clear stance against a child’s ability to consent to participating in prostitution or pornography. Art 2 prohibits any form of “child prostitution” and “child pornography”, regardless of whether it is considered exploitative or not.’ Witting (n 8) 16. The Charter formulation, therefore, is preferable.

53 General Comment 7 para 75.

54 CRC Guidelines OPSC para 58.

55 General Comment 7 para 74.

56 ‘Transactional sex’ means sexual relationships where the giving of gifts or services, such as rent, phones, clothes, drinks, drugs, grades, or education, support to the family and employment is an important factor. Transactional sex relationships

involve children below the age of 18, are a form of exploitation of the child, on the basis that children cannot legally consent to engaging in commercial or commodified sexual activities which include a remuneration or any other form of consideration.⁵⁷ Any potential argument that the child consented to this form of sex is legally irrelevant, due to the inherently exploitative nature of the activity.

4.4 The use of children in pornographic activities, performances and materials

‘Child sexual abuse/exploitation material’ (CSAM) is the term these days preferred to the term ‘child pornography’. CSAM includes as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.⁵⁸

The African Children’s Committee’s Agenda 2040 provides for the protection of children’s privacy online in Aspiration 7 which, among others, states that by 2040, no child should be used for child pornography and calls upon states to prohibit child pornography and ensure the effective implementation of the laws prohibiting child pornography. State parties should ensure that the relevant provisions of their criminal or penal codes cover all forms of material, whether offline or online. This includes, but is not limited to, visual material such as photographs, movies, drawings and cartoons; audio representations; live performances; written material in print or online; and physical objects such as sculptures, toys, or ornaments.⁵⁹

State parties are required to include in their legal provisions regarding child sexual abuse material a prohibition of any representations of non-existing children or of persons appearing to be children, in particular when such representations are used as part of a process to sexually exploit children.⁶⁰ This type of material is also commonly referred to as ‘virtual child pornography’ or ‘pseudo child pornography’. Because it sexualises children, it is harmful and should be proscribed. State parties should ensure that the producing, distributing, disseminating, importing, exporting, offering, selling or possessing, of child sexual abuse materials, as well as ensuring that, save for clearly-defined professional purposes, mere possession is also made a criminal offence.⁶¹ Even where child sexual abuse materials are not ‘possessed’ – such as where they are live streamed or viewed on a webcam show in real time – a criminal sanction should be provided for. Civil forfeiture of equipment, premises, monies received and so forth should be additionally provided for.

As mentioned before, child pornography infringes upon children’s privacy as well, hence provisions on the prohibition of child pornography are remarkable as they ensure the protection of children’s rights to privacy.⁶²

As regards performances, the General Comment notes that children are sometimes made to witness sexual activities, and the Committee therefore encourages state parties to criminalise the intentional causing, for sexual purposes, of a child to witness sexual abuse or sexual activities, even without having to participate.⁶³

are distinct from prostitution, in that the exchange of gifts for sex includes a broader set of (usually non-marital) obligations that do not necessarily involve a predetermined payment or gift, but where there is a definite motivation to benefit materially from the sexual exchange: African Union Policy on Prevention and Response to Sexual Exploitation and Abuse for Peace Support Operations (2017) 5.

57 General Comment 7 para 75.

58 CRC Guidelines OPSC para 60.

59 General Comment 7 para 77.

60 CRC Guidelines OPSC paras 62 & 63; General Comment 7 para 77.

61 General Comment 7 para 78.

62 Sibanda (n 33).

63 General Comment 7 para 81.

4.5 Sexting between children

'Sexting' refers to the situation whereby self-generated sexual content in the form of images or the exchange of sexual messages is sent via mobile phone to others. Sexting often appears to be a product of youth peer pressure and, to a certain extent, teenagers increasingly consider sexting to be normal. While this conduct in and of itself is not necessarily illegal, it involves a number of risks. Sexualised images of children can easily spread online or offline beyond or against the will of the child, can be very difficult to remove and can be used in the context of bullying and for sexual extortion.⁶⁴ The African Children's Committee advises that children should not be held criminally liable for producing images of themselves. It should, therefore, not be regarded as child sexual abuse materials where such images are made consensually, for private use, unless such images are produced as a result of coercion, blackmailing or other forms of undue pressure against the will of the child. However, if such self-generated images are subsequently distributed, disseminated, imported, exported, offered or sold as child sexual abuse material, those responsible for such acts should also be held criminally liable.⁶⁵

5 Jurisprudence of the African Children's Committee

The Committee has been seized with a few cases concerning sexual exploitation of children which, to an extent, explicate its jurisprudence on article 27. As a general proposition, it is confirmed that states are obliged to take legislative and other measures that enable the protection of children from sexual abuses, including rape.⁶⁶ States must ensure that the potentially negative consequences for victims and witnesses, of procedures to investigate acts of sexual violence and making efforts to prosecute perpetrators, are reduced as much as possible. The principle of 'do no harm' must be uppermost,⁶⁷ and states must adopt the necessary legislative⁶⁸ and regulatory measures to act with due diligence to prevent and investigate acts of sexual violence committed by state and non-state actors, prosecute and punish perpetrators, and provide a remedy to victims.⁶⁹

*Cameroonian Child Rape*⁷⁰ involved a 10 year-old victim who was raped. Although she led the police to the house of the perpetrator, and an identification parade was held, the complaint was dismissed due to an alleged lack of evidence. The failure to conduct a proper investigation lay at the heart of the complaint that articles 1, 3 and 16 of the African Children's Charter had been violated. There also was no form of support provided for her in the aftermath of the rape. The complainants submitted that the rape of a minor, such as TFA, reaches the threshold to be classified as torture, and the state is complicit in this torture as it has failed to effectively investigate the crime and punish the perpetrator.

The necessity of the due diligence principle in pursuing sexual violations has been emphasised by the African Children's Committee in *Cameroonian Child Rape*.⁷¹ Due diligence should be shown in prevention of human rights violations, investigation of violations, prosecution of perpetrators, and ensuring punishment of perpetrators.⁷² The Children's Committee took the view that the human rights obligation of states is that of an obligation of result, not obligation of diligence and that, therefore, the due diligence of the state in relation to the current communication should be assessed by the result it

64 General Comment 7 para 83.

65 General Comment 7 para 85.

66 *Cameroonian Child Rape* (n 13) para 43.

67 Niamey Guidelines 17.

68 General Comment 7 para 67.

69 General Comment 7 para 37.

70 *Cameroonian Child Rape* (n 13).

71 As above.

72 Para 46.

has achieved.⁷³ The African Children's Committee in its decision in this case, in assessing whether rape amounts to gender based discrimination, drew inspiration from other relevant international human rights instruments and organs, in line with article 46 of the African Children's Charter, and found that rape is a form of gender-based violence, and is linked to gender-based discrimination.⁷⁴ In cases where the violence has already occurred, the Committee requires that governments undertake exhaustive investigations and ensure that commensurate compensation is rewarded to the victims.⁷⁵

In *Sudanese Rape/Adultery*⁷⁶ it was alleged that in 2016 the victim, aged 16, was raped by an adult who also resides in Khashm el Girba town in Kassala state, Eastern Sudan. As a result of the rape, she fell pregnant. The matter was reported by her father to the police. The perpetrator was convicted of a criminal offence, which was upheld on appeal, but later quashed by the High Court on grounds that the victim was not a child in accordance with the definition in article 3 of the Criminal Act 1991, which states that an adult is a person whose puberty has been established by definite natural features and has completed 15 years of age. The High Court further directed that both the victim and the perpetrator should instead be tried for the offence of adultery (*zina*). A later Constitutional Court ruling agreed with the decision of the High Court, and at the time of bringing the communication, the petitioner was awaiting trial for the crime of adultery before the criminal court. She alleges that since pregnancy is conclusive proof of adultery under article 62 of the Evidence Act 1994, she will be convicted and eventually subjected to 100 lashes pursuant to article 145 of the Criminal Act 1991. Article 27 was not directly implicated, as violations of articles 1, 2, 3 and 16 were argued to be at issue. Regarding article 2, the Committee found that by declaring Article 3 of the Criminal Act 1991 to be consistent with the Constitution, the Constitutional Court denied the victim protections she would have enjoyed as a child in the Sudanese laws, the Charter and other international instruments to which Sudan is a state party.⁷⁷ The complainant also argued that the failure of the respondent state to protect her from sexual abuse and to effectively prosecute the perpetrator amounted to discrimination. Moreover, the decision of the High Court to acquit the perpetrator of rape and instead charge the complainant with adultery amounted to a failure to protect her from torture, inhuman and degrading treatment and sexual abuse, thus a violation of article 16 of the African Children's Charter. The African Children's Committee agreed that she was treated differently because she had completed 15 years and she had reached puberty – she was treated like an adult and was subjected to prosecution for adultery, thereby impairing the enjoyment of her other rights such as the right to be protected from abuse and sexual exploitation.⁷⁸ In the present communication, although the gender-based violence, which amounts to gender-based discrimination, was not caused by the respondent state, the respondent failed to show due diligence in deciding to acquit the perpetrator of the rape.⁷⁹

Despite article 27 not being included as a ground for alleging a Charter violation, the Committee nevertheless deemed

it fit to highlight that children are protected from abuse and torture not only under article 16 of the Charter but also under article 27 which provides that States Parties shall undertake to protect the child from all forms of sexual exploitation and sexual abuse.⁸⁰

73 Para 49.

74 *Cameroonian Child Rape* (n 13) para 77.

75 *Sudanese Rape/Adultery* (n 10).

76 As above.

77 By failing to amend its criminal law in line with the Charter, a violation of art 1 on the obligation to take legislative measures to bring law in line with the Charter was also committed.

78 Para 71.

79 Para 78.

80 Para 87.

Consequently, the Committee did find a violation of article 27 of the African Children's Charter.⁸¹ The Committee considered that damages were warranted and deemed the sum of US \$100 000 to be a fair amount of compensation for the non-pecuniary harm suffered by the complainant.⁸² Viljoen (chapter 36 in this volume) notes that the African Children's Committee locates this award, also citing the African Court, as part of a 'positive trend' to award 'determined amounts', and justifies the relatively large amount based on the multiplicity of rapes, the trauma the complainant would experience for the rest of her life, and the additional suffering due to the 'painstaking quest' to obtain a local remedy. It must be noted, though, that the amounts in *Sudanese Rape/Adultery* and *Cameroonian Child Rape* appear fairly substantial in the African context. However, it is also worth pointing out that in an implementation follow-up report presented to the Committee in 2021, it seems that in the case of Cameroon the award has only partially been paid.⁸³

The Sudan rape case stands out insofar as the African Children's Committee found a violation of article 27 in the absence of a specific allegation to this effect. While the complainant only contended that the state violated article 16 (the prohibition against child abuse and torture), the Committee extended its finding to article 27 (sexual exploitation) based on the interrelated and mutually-reinforcing nature of the two rights in the context of sexual abuse.

The third communication was brought against Mali,⁸⁴ also concerning child rape and alleging that criminal proceedings had been unduly delayed (two years had elapsed since the suspects' arrest after having been caught *in flagrante delicto*, although the perpetrator was ultimately convicted only after the filing of the communication, around three years after the crime). The victim's right to a civil remedy (in particular to treat the infection she developed as a result of the rape) was in consequence also in abeyance. Moreover, the plaintiffs claim that the wrongdoer was sentenced based on the supposition that the victim was an adult, whereas she was a child,⁸⁵ and they were not given the opportunity to be involved in the proceedings or give their opinions.⁸⁶ Reminding that the obligation including the need for legislative, administrative and judicial measures to prevent, combat and prosecute violations of the Charter occasioned by rape, the Committee also affirmed the need for the child to be allowed to participate.⁸⁷ The failure to act with due diligence (in establishing the correct age, in bringing criminal proceedings promptly, in allowing the child to participate, and in failing to decide her civil claim) were all Charter violations, including in relation to article 4(1) (best interests of the child).⁸⁸ The child protection system also provided no medical or psychological care for the victim.⁸⁹ Noting that a compensation claim should reimburse the victim for medical expenses, as well as cover future treatment to ensure a full recovery, as well as providing for material and non-material damage arising from physical and psychological injury, the Committee's decision included a directive for Mali to pay 'fair compensation' to her. No concrete amount was specified.

Unlike *Sudanese Rape/Adultery*, article 27 was neither cited by the complainants, nor adduced by the Committee, although the wide-ranging nature of the total order handed down by the Committee is usefully applied to article 27. Elements include the requirement that the state institute a national policy

81 Para 98.

82 Para 100.

83 Report of the 37th session of the African Committee of Experts on the Rights and Welfare of the Child (March 2021) para 95.

84 *APDF and IHRDA on behalf of AS a minor v Mali*, No 13/Com/001/2020, received 13 January 2020, admissibility decision 14 July 2021; finalised on merits Nov/Dec 2022 (*Malian Girl Rape*).

85 As confirmed by a birth certificate the complainants submitted.

86 Para 50.

87 Para 54, referring among others to the Charter provisions as well as Aspiration 10 of the Committee's Agenda 2040.

88 Para 70.

89 Para 72.

of medical and psychological assistance centres for survivors of rape; that the state develop training manuals on gender and sexual violence and conduct training for police officials on this; that time limits be set on investigations with regard to child rape victims that meet their best interests; that the state ensure the availability of social workers, psychologists and legal representatives for victims of child rape; that all government departments work collaboratively towards establishing an effective, sufficient, accessible and timely reparation and redress programme, ensuring the participation of the child; and that the state create national hotlines available 24 hours a day seven days a week to enable the reporting of child rape and to enable victims to get information about victim protection and support services.⁹⁰

The African Children's Committee has over time engaged with many states in some detail concerning sexual exploitation. In relation to South Africa,⁹¹ the Children's Committee recommended that the state cooperate with local authorities, community leaders, religious and traditional authorities and local civil society organisations to implement policies and measures to prevent and combat sexual violence in both urban and rural areas; to ensure that internet service providers control and block child sexual abuse material as soon as possible as part of their prevention measures; to ensure that law enforcement bodies are educated on interviewing child victims and on investigating and prosecuting these types of crimes (including online sexual exploitation); to consider adopting measures to prevent convicted child sex offenders from reoffending in other countries, such as through cross-border exchange of information by placing travel restrictions on convicted offenders; to adopt and implement specific protocols, guidelines or codes of conduct in the context of the risks of sexual exploitation of children in the tourism industries; to adopt legislative measures that would make extradition for the commission of specified child sexual abuse offences possible without the prior existence of a treaty between South Africa and other countries; and to engage with travel and tourism stakeholders and lay down standards (for instance, through enforceable codes of conduct) in order to combat sexual exploitation and abuse of children in the tourism sector.

As regards Seychelles,⁹² the African Children's Committee encouraged the state to intensify efforts in order to stop the rising number of cases of sexual exploitation in Seychelles, including online sexual exploitation and sexual exploitation of children in tourism.

Lesotho⁹³ was advised, among others, to provide comprehensive training to specialised police units to equip them with the necessary skills to handle cases of gender-based violence and violence against children; to ensure that there is a dedicated capital budget for the police units and prevent the transfer of police officers who have received child protection training to other departments, retaining their expertise in children protection; and that the state party review its Sexual Offences Act to remove the distinction between children below and above the ages of 16 years in cases of child molestation and establish child molestation as a crime against all children below the age of 18 years, aligning it with the definition of the child under the African Children's Charter.⁹⁴ The Committee acknowledged the challenges in victim support in courts, particularly the shortage of court intermediaries for civil and criminal cases involving children, leading to case backlogs and recommended the necessary action to address this.⁹⁵

90 These are among the 15 discrete recommendations contained in the order; para 85.

91 Concluding Observations and recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Republic of South Africa on its second periodic report on the implementation of the African Charter on the Rights and Welfare of the Child (September 2023) para 55.

92 Concluding Observations and recommendations on the initial report of Seychelles, Committee (2022) 8.

93 Concluding Observations and recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Kingdom of Lesotho on its first periodic report on the implementation of the African Charter on the Rights and Welfare of the Child (November 2023)

94 Concluding Observations Lesotho (n 93) paras 45 & 46.

95 Para 47.

With respect to Ghana,⁹⁶ the Children's Committee noted that children as young as nine years of age are engaged in sex tourism at tourist sites and business centres and there exists no specific legislation to address the sexual exploitation of children who voluntarily engage in prostitution leaving such exploitation being treated as any other. The Committee further noted that despite reports of children being sexually exploited through social media platforms, there currently exist no measures to address child abuse through the internet.⁹⁷ It also advised that children who are sexually exploited be provided with adequate psychological support when found and families provided with financial assistance to help address the causes of child exploitation.

Benin's⁹⁸ state party report confirms other reports that sexual exploitation of children remains one of the biggest challenges in Benin. It has been noted that girls are the main victims and are being exploited by teachers and family members, and are engaged in commercial sexual exploitation. The Committee noted that there is a lack of reporting of cases of sexual exploitation and such cases are settled outside court due to a lack of child-friendly reporting procedures and fear of reprisal.⁹⁹ Among the very concrete measures proposed by the Committee are that the state party establishes child-friendly, one-stop centres for reporting where children can report without being victimised again and where they can get medical and psycho-social support at the time of reporting. The Committee recommended further that the state party trains law enforcement officials and the judiciary on child-friendly procedures for reporting cases of sexual exploitation and establish child-friendly courts for victims in all parts of the country. Moreover, the Committee recommended that the state party ensures that there is prosecution and conviction of perpetrators and that thorough investigation and administrative measures are taken until investigation is finalised in cases where the perpetrators are teachers.

A final example drawn from the African Children's Committee's jurisprudence on sexual exploitation is Ethiopia.¹⁰⁰ The Committee appreciated the various efforts the state party has put in place to prevent and address sexual exploitation and abuse by establishing a national steering committee that provides guidance on prevention and redress, also establishing hotlines, child-friendly courts, one-stop centres and safe houses for victims.¹⁰¹ However, the Committee noted with concern that the rate of sexual exploitation and abuse against children remains to be very high as highlighted in the state party report which provides that more than one in four children have been sexually abused or exploited.

As is customary, the African Children's Committee recommends a range of concrete measures to improve the system of reporting and investigation, including enhancing accountability by ensuring that reported cases of abuse are duly investigated, prosecuted and convicted with commensurate punishment, training of police officers, prosecutors and judges about the best interests of the child, protection of the privacy of the child, and other rights of the child to avoid secondary victimisation of survivors and to ensure that the cases of children who have been abused and exploited are handled by

96 Recommendations by the African Committee of Experts on the Rights and Welfare of the Child on the Republic of Ghana initial report on the status of implementation of the African Charter on the Rights and Welfare of the Child (December 2016).

97 Paras 35 & 36.

98 Concluding Observations and recommendations of the African Committee of Experts on the Rights and Welfare of the Child on the initial report of the Republic of Benin on the status of the implementation of the African Charter on the Rights and Welfare of the Child (September 2019).

99 Para 46.

100 Concluding recommendations by the African Committee of Experts on the Rights and Welfare of the Child on the first periodic report of the Federal Democratic Republic of Ethiopia on the status of implementation of the African Charter on the Rights and Welfare of the Child (February 2022).

101 However, the Concluding Observations also pointed out that from the 8 hotlines, only 5 are working and from the 34 one-stop centres only 4 are operational (as indicated in the state party report).

giving due regard to the best interests of the child, and by undertaking community mobilisation and awareness raising to prevent sexual abuse, and to ensure that there is increased reporting of cases.¹⁰²

6 Conclusion

The African Children's Committee's understanding of the contours of article 27 and its implications arguably is fairly expansive. They include a dedicated General Comment on this article, which crucially brings its provisions into the twenty-first century with copious references to sexual exploitation in the digital world. It also aligns Committee jurisprudence with more recent treaties and guidelines, such as OPSC and the Malabo Protocol.

The Committee has thus far been seized with three communications related to child rape. Although none alleged a violation of article 27, the Committee found such a violation in at least one instance. Moreover, the Committee has used its orders, and the consideration of the state party reports, to lay down a wide range of judicial and other measures aimed at improving access to justice for children whose sexual integrity has been violated. Without delving into all of these, they include adapted evidentiary procedures for child victims, including, where possible, appropriate communication technology to enable child victims to be heard during the trial without being present in the court room; that police officers, judges, prosecutors and lawyers should be trained in children's rights and child-friendly justice measures; that states should ensure that social workers and psychologists with specialised training in child development are available to victims, who shall receive psycho-social support; that hotlines be available for reporting of sexual abuse; and that justice processes are speedy and diligent, focusing on convicting and sentencing perpetrators and ensuring a suitable remedy for victims.

¹⁰² Para 37.