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

Communication No: 0012/Com/001/2019 Decision No 002/2022

Legal and Human Rights Centre & Centre for Reproductive Rights (on behalf of Tanzanian girls) v. United Republic of Tanzania

Decision Issued on September 2022 by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

Subject Instrument: The African Charter on the Rights and Welfare of the Child

Issues for investigation: whether the Respondent State violated the subject Charter (ACRWC) and its States obligations under the Charter



Among others; the Applicants alleged the following violations by the Respondent State:

- **Alleged violation of Article 11 of the ACRWC on the right to education** through the policy of expulsion of pregnant and married girls from schools without re-entry
- **Alleged violation of Article 16 of the ACRWC on cruel, inhuman, and degrading treatment** through forced pregnancy testing, expulsion of the pregnant girls and their illegal detention which subjects them to further trauma if such girls are survivors of sexual violence.
- **Alleged violation of Article 14 of the ACRWC on the right to health** by failing to provide child-friendly health services, as well as sexual and reproductive health services to survivors of sexual violence.
- **Alleged violation of Article 21 of the ACRWC on the Protection against Harmful Practices**
- **Alleged violation of Article 1 of the ACRWC on the State parties obligations**



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Decision of the Committee: The Committee found the Respondent State in violation of the following provisions of the ACRWC; Article 1 (obligation of States parties), Article 3 (nondiscrimination), Article 4 (best interests of the child), Article 10 (protection of privacy) Article 11 (education), Article 14 (health and health services), Article 16 (protection against child abuse and torture), and Article 21 (protection against harmful social and cultural practices).



Recommendations of the Committee: Among others, the Committee recommended the following;

- Immediate prohibition of mandatory pregnancy testing in schools;
- Review of the Education (Expulsion and Exclusion of Pupils from School) Regulations, 2002 G.N. No. 295 of 2002;
- Undertaking of proactive measures towards the elimination of child marriage and other harmful practices that affect girls;
- Creation of a conducive reporting and referral mechanism for survivors of sexual violence including child marriage, and provide psychosocial support, rehabilitation and reintegration services for the survivors.
- Investigation and prosecution of perpetrators of sexual violence and child marriage



Read the Full Decision of this Communication on the ACERWC website:

www.acerwc.africa/sites/default/files/2022-10/ACERWC%20Decision%20final%20Communication%20No-%200012Com0012019.Tanzania.pdf



SIMILAR JURISPRUDENCE: Check the judgement by the ECOWAS Court of Justice delivered in 2019 with a similar jurisprudence on the following similar case: **Women Against Violence and Exploitation in Society (WAVES) & Child Welfare Society, Sierra Leone (CWS SL) (On Behalf of Pregnant Adolescent School Girls in Sierra Leone) v. Sierra Leone:** <https://ihrda.uwazi.io/en/entity/i17yfu3qr0cj?page=1>



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