

GUIDELINES ON CHILD PARTICIPATION

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ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
CSEA	Commercial Sexual Exploitation and Abuse
CSOs	Civil Society Organisations
DAC	Day of the African Child
ICT	Information Communication and Technology
IDPs	Internally Displaced Persons
NGOs	Non-Governmental Organisations
NHRI	National Human Rights Institution
RECs	Regional Economic Communities
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
UN	United Nations

Definition of terms

For purposes of these Guidelines:

Amicus curiae: refers to any person or organization that is not a party to a legal action or litigation concerning a child, yet with a strong interest in the matter. With the permission of the court, the person or organization advises the court on a point of law that directly affects a child in the case in question with the intent to influence the court's decision.

Child: means any human being below the age of 18 years.

Child participation: is a child's right to freely take part, express views, lead and be informed in all matters concerning the child.

Child friendly: shall include materials, spaces, programmes and processes designed by States Parties with the needs, evolving capacities, interests, and/or safety of children in mind.

Child-friendly justice system: refers to the simplification and safety considerations made in all procedures of judicial or administrative nature, whether formal or informal, where children are brought into contact with, or are involved in, civil, criminal or administrative law matters.

Child-led: refers to a child's participation based on his or her interests and initiative, where the child leads and determines the participation process and has control of their participation, with adults supporting.

Child safeguarding: refers to the actions taken, measures and procedures put in place to protect children from harm and prevent any abuse.

Child Sexual Abuse: shall be understood to mean the involvement of a child in any sexual activity that he or she does not fully comprehend, is 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.

Commercial Sexual Exploitation and Abuse: shall be defined as any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another. Sexual exploitation of children can be

commercial or non-commercial. This includes prostitution of children, the use of children in pornography, child trafficking for sexual exploitation and child marriage, among others.

Communication: shall be understood to be any complaint received on violations of the rights enunciated in the ACRWC.

Evolving capacity: refers to an enabling principle that addresses the process of maturation and learning through which children progressively acquire competencies, understanding and increasing levels of agency to express their views, and to take responsibility for exercising their rights.

Information Communication and Technology (ICT): shall encompass any communication device or application, including radio, television, cellular telephones and computer, as well as network hardware and software.
Member State: means a country that is a member of the African Union.

Online Child Sexual Exploitation: shall include all acts of a sexually exploitative nature carried out against children that have, at some stage, interacted with technology in the digital sphere. It also includes any use of ICT that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted.

Sexual violence: refers to any sexual act or attempt to obtain a sexual act, or unwanted sexual comments or acts to traffic, that are directed against a person's sexuality using coercion by anyone, regardless of their relationship to the victim.

State-Party: means a Member State which has ratified the African Charter on the Rights and Welfare of the Child.

The Committee: refers to the 11 elected members of the African Committee of Experts on the Rights of the Child, with a mandate to promote and protect children's rights in accordance with Article 42 of the ACRWC.

A. INTRODUCTION AND BACKGROUND

1. The African Charter on the Rights and Welfare of the Child (ACRWC) provides for the right to child participation, principally, in Articles 4(2) and 7. In addition to these provisions, several other provisions of the ACRWC, including, but not limited to Articles: 9 (freedom of thought, conscience and religion); 10 (protection of privacy), and 12 (leisure, recreation and cultural activities) and 31 (the responsibilities of the child) also give effect to child participation. Furthermore, in paragraph 53 of the African Union (AU) Agenda 2063, the AU acknowledges that “African children shall be empowered through the full implementation of the African Charter on the Rights of the Child”. This is further expounded by Aspiration 10 of Africa’s Agenda for Children 2040 (Agenda 2040), which emphasises the establishment of systematic and sustainable structures for child participation.
2. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/The Committee) recognises child participation as both a general principle of children’s rights and a right. Together with the principle of non-discrimination (Article 3), the best interests of the child (Article 4(1)) and the right to life, survival and development (Article 5), child participation must be observed and respected at all times during all decision-making processes on any matter concerning children. It is a crucial aspect of child development; it empowers a child and increases self-belief. It is important for children because it gives them an opportunity to contribute an opinion on an issue and to contribute meaningfully in decision-making processes on matters that affect them and develop a closer connection to their community.
3. During its 34th Ordinary Session, the Committee made a decision to develop Guidelines on Child Participation (Guidelines). The decision was made after presentations and consideration of the findings of a mapping study conducted on child participation in Africa, which notes implementation gaps at the national

level, and limited systematisation of children's participation in the activities of the Committee.

4. The focus of these Guidelines is to provide a guide for the effective implementation of child participation at Member States level as well as in the activities of the Committee. The Guidelines reflect the necessary institutional mechanisms and structures that State Parties to the ACRWC need to put in place for the effective and meaningful participation of children. This will inform the systematic process of children's participation at the national level to ultimately enable child participation in the activities of the Committee.

PURPOSE AND MAIN OBJECTIVES

5. The aim of the Guidelines is to enhance the realisation of the right of children to participate and to be heard in all matters that affect them. Specifically, the Guidelines aim to ensure that:
 - a) children systematically, and meaningfully participate in an effective and continuous manner in the work of the Committee and in the exercise of its mandate. These include; State Party reporting processes including the follow up on Concluding Observations and Recommendations, Individual Complaints/Communication mechanism, in the Committee's Investigation mandate, Ordinary and Extraordinary Sessions, continental studies and other activities;
 - b) States Parties have a clear guide on the creation and implementation of mechanisms, structures and platforms for child participation, starting from the family environment up to the national level, with clear linkages and interdependencies between the levels.

SCOPE OF APPLICATION

6. These Guidelines are based on the provisions of the ACRWC; specifically, Article 4(2) which provides for a child's right to be heard in all judicial and administrative proceedings affecting a child, Article 7 which provides for freedom of expression. Article 12 is also instructive as it provides for the child's right to fully and freely participate in cultural life and arts, and obliges the State to respect, promote and encourage the provision of appropriate and equal opportunities to advance the right. The scope of the Guidelines also draws inspiration from Article 31 which provides for the responsibilities of the child towards her/his family and society, the State and other legally recognized communities. In advancing their right to participate in matters affecting them, children have the responsibility to listen and respect the opinion of parents, legal guardians, State authorities, and all other authorities (including traditional leaders at the community level) involved in the decision-making process.
7. The Guidelines are substantiated by the principles of interpretation of the ACRWC which are; the best interest of the child, the right to life survival and development, and non-discrimination.
8. The Guidelines shall be read and applied consistently within the context of the ACRWC and the Agenda 2040 for Children. In particular, Aspiration 10 of Agenda 2040 states that African children's views matter, and its specific goals will further inform the Guidelines. In addition, reference will be made to other international and regional norms, standards and good practices relevant to child participation applicable in Africa.
9. The Guidelines shall be applied in conformity with other pre-existing ACERWC Guidelines including but not limited to the Guidelines on Submission of State Party Reports, Guidelines on Submission of CSO Complementary Reports,

Revised Guidelines on Consideration of Communications, Guidelines for granting affiliate status to National Human Rights Institutions and ACERWC Rules of Procedure.

10. The Guidelines shall apply to States Parties to the ACRWC who have the primary responsibility to protect and promote the rights provided for in the Charter. The Guidelines shall also apply to the Committee in the implementation of its protection and promotional mandate stipulated in Articles 42, 43, 44 and 45 of the ACRWC.

GUIDING PRINCIPLES

11. This section of the Guidelines outlines the interlinking concepts that play out between child participation and other principles of children rights in the ACRWC. These principles are considered in the Guidelines to guide and safeguard the implementation of child participation. These include, the principle of non-discrimination (Article 3), the best interests of the child principle (Article 4(1), and the principle of life, survival, protection and development (Article 5). The Guidelines also take into consideration the evaluation of the evolving capacity of the child, based on the strength of the requirement of a child 'capable of communicating their views' in Article 4(2).
12. The **principle of non-discrimination** requires all States Parties to ensure that all children regardless of gender, race, ethnic group, colour, sex, language, religion, political opinion, birth, or any other status should be provided with an equal opportunity to participate in the decision-making process of all matters concerning them. Efforts should be made by State Parties to ensure that all children, particularly those who are marginalised, particularly, girls, children who are orphaned, children in conflict with the law, children in humanitarian situations, displaced children and children with disabilities, have the opportunity to participate in all matters concerning them. In particular, children with

disabilities should be provided with the necessary equipment, support and tools to enable them to freely express their views in the best way possible. The State should create a safe and enabling environment, including adopting non-discriminatory child friendly laws that protect all children and their rights, especially their right to participate in all matters concerning them.

13. The **best interests of the child** shall be the primary consideration in the implementation of all actions and decisions concerning children in all judicial and administrative matters (Article 4(1). The process to determine what is in the best interests of the child, should start with the proper assessment of the child's evolving capacity. A child's evolving capacity should be assessed based on the child's ability to communicate an opinion as stated in (Articles 4(2) and 7) of the ACRWC. The Guidelines take cognisance of the fact that the best interests of the child principle require that a child participates in all matters concerning the child. It further obliges State Parties and all authorities involved, including traditional, religious, community leaders, and parents to ensure that a fair and balanced consideration is given to the views of the child freely expressed during a decision-making process. The best interests of the child principle therefore strengthen the reasons why a child should be involved, be encouraged to express an opinion and importantly it also enables and guides the authority concerned to make a decision that is in the best interests of the child.

14. The **principle of life, survival, and development** requires safeguarding the child's right to life, and ensuring the child's development which encompasses the physical, psychological, emotional, social and spiritual aspects of the child's life. In accordance with Article 5 of the ACRWC, State Parties need to apply their resources to the maximum extent possible, ensuring that sufficient financial, institutional and skilled personnel are available to support and develop a child's ability to formulate and communicate their opinions freely during a child participation process.

IMPLEMENTATION

15. **Child participation** is a process that should be implemented methodically following the phases indicated below. The phases to enable meaningful child participation are not homogeneous. They depend on the specific situation and environment of a particular child or children. At the level of the State and the Committee, these requirements shall be applied variedly and taking into consideration the maturity and or age of the child concerned. The phases considered in these Guidelines, include:
16. **Admission and a child's ability and competence:** The ACRWC obliges State Parties to adopt a two-phased, independent, approach that enables a child to freely participate in all matters concerning the child at the national level. The two phased approach shall depend on who (the State or the child) initiates the decision-making process. Particularly, the Committee calls on States, to recognise both in law and practice, a child's ability to express their views, determine their competence and right to initiate a decision-making process. In judicial and administrative decision-making processes, the ACRWC obliges States to admit a child to be part of the conversation or discussions either directly or through an impartial legal presentative (Article 4(2)). According to Articles 4(2) and 7, a child who is capable of formulating and communicating his/her own views, shall be given an opportunity for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings.
17. **Access to information:** To effectively involve a child in a participatory process, the child must be granted access to sufficient and child-friendly information on the matter concerning the child. The Committee calls on States to adopt laws that mandate children's access to information. In terms of Article 7 of the ACRWC, the objectives of child participation will not be fulfilled if a child is not given access to all the necessary and applicable information required

for the child to freely formulate and communicate an opinion. In the context of these Guidelines, sufficient information must be understandable, depending on the maturity, age and disabilities of the child concerned. For children with disabilities, the information shall be communicated in an understandable format such as sign language, braille, drawing, songs, poems or animation. Information provided shall also take into account the evolving capacity of the child.

18. **Space and time:** To effectively participate, children require the appropriate space and time in order to freely formulate and communicate an opinion in any matter that concerns them. State Parties should not restrict a child to a specific time allocation. The ACRWC mandates States to allow the child to participate at a pace that is convenient to the child in accordance with Article 7 and 12. The process must be child-friendly, and not intimidating to the child concerned. The space shall be safe, and not confined or limited to a formal (four-wall) space to enable child participation. It is important to avoid rushing, forcing or coaching a child before or during a child's participatory or decision-making process. Children shall be given sufficient space and time to participate in all judicial and administrative processes at the national level or before and during the Committee activities.

19. **Audience and attention:** One of the key responsibilities assigned to the State under article 4(2) and 7 of the ACRWC, is to take into 'consideration' the views of the child in accordance with the provisions of appropriate law. The obligation to take into consideration the views of the child shall be understood as a recognition of the important role that State Parties to the ACRWC play in a child's life and development in Africa. To effectively attain this responsibility, the Committee calls on State Parties (adult's/state agents) to listen attentively and to give an unbiased consideration to 'the opinion expressed by the child concerned.

20. **Influence:** In the context of these Guidelines, influence shall be understood

as a stage in the child participation process which obligates State Parties to ensure that the views of the child are taken seriously and acted upon with reasonable steps taken in accordance with the provisions of appropriate law. State Parties should provide feedback to the child, including providing the child with reasons for the decision taken.

B. CHILD PARTICIPATION IN THE ACTIVITIES OF THE COMMITTEE

DRAFTING OF GENERAL COMMENTS AND CONTINENTAL STUDIES (ARTICLE 42)

21. The Committee shall, in preparation of General Comments as mandated by Article 42(c) of the ACRWC, implement a child's right to participate. In doing so, the Committee shall solicit and consider children's views regarding their understanding and preference in the interpretation of the ACRWC during the drafting process of General Comments.
22. The Committee shall garner children's views through consultations with children in-person or remotely, including online surveys, to collect their views on the specific thematic focus of a General Comment. The Committee shall coordinate with State Parties to identify children and child-led structures to solicit their views during the drafting process of a General Comment. The consultations shall be participatory and inclusive of children affected by the specific thematic focus of the General Comment.
23. The Committee shall collaborate with State Parties and CSOs to translate online surveys into national local languages, and in child-friendly formats (including sign language and braille for children with disabilities) to enable children to adequately provide their views. The Committee shall ensure that questions drafted for children consultation are child-friendly and translated in working languages of the AU. Regional representation of children shall be assured to ensure that children are represented from all the sub-regions of Africa. The Committee shall give due consideration to all the views and opinions gathered during the consultation process in the finalisation and adoption of the General Comment.
24. The Committee shall include such General Comments in its activity report to the AU Policy Organs, and in the dissemination process of the General Comments,

and develop child-friendly versions to be distributed to children at national level. State Parties shall translate the General Comments, including the child-friendly versions, into their official languages and to make them accessible to child-led structures at national level.

25. The Committee shall seek children's views and opinions when collecting primary data to draft and validate studies on the rights and welfare of the child. The Committee shall coordinate with State Parties and CSOs, to develop child-friendly data collection tools that would indiscriminately collect the views of children during research and ensure that researchers (adults) consulting with children have the necessary training and resources to carry out field consultations in an age-appropriate, disability and gender-sensitive manner. The Committee shall ensure that institutions involved in research on the rights and welfare of the African Child develop child safeguarding policies, ethical guidelines, and procedures that safeguard the privacy, confidentiality and protection of children involved in research from abuse and exploitation.

26. The Committee shall collaborate with State Parties and other development partners to hold national validation meetings with children. Special considerations shall be made to ensure that all children irrespective of their vulnerability and those affected by the subject matter of the research participate. Children shall be provided with adequate space and opportunities to reflect and provide their insights on the results of the study, as well as the policy and programmatic implications of the continental report on State Parties' obligations.

STATE PARTY REPORTING PROCEDURES (ARTICLE 43)

27. The Committee emphasizes that due consideration of children's views and other forms of information from children must be an integral part of its monitoring mandate. The views of children therefore should be taken into account in State Party and CSO complementary reporting processes.

28. The Committee recognizes the critical role played by parents, guardians and primary caregivers (adults) to ensure the welfare of a child, thus national stakeholders facilitating children's participation in the activities of the Committee to ensure that the accompanying adults uphold their primary responsibility for the safety and welfare of the children in their care at all times.

PRE-SESSION WITH CHILDREN

29. State parties shall limit its involvement to supervising and coordinating the selection of children' representatives at national level. State parties shall not direct or provide pre-packaged reports or information to the children selected to attend Pre-Sessional meetings with the Committee. Pre-sessional meetings with children shall be governed by the Committee's (Revised) Rules of Procedure.
30. State Parties shall support children or child-led structures at national level to, independently, submit complementary children's reports on the status of implementation of the ACRWC in their jurisdiction. The children's reports shall incorporate the views and information from child-led organisations, children's groups or NGOs facilitating children's participation within the State Party. It is the Committee's view that a children's report provides supplementary information and enriches the lists of issues, discussions during the dialogue with the State Party. The Committee shall consider the children's views in fortifying its Concluding Observations to the State under review.
31. During a pre-session, the Committee shall engage with children based on the child-led report submitted to the Committee. . Children shall be given an opportunity to participate further in ascertaining the accuracy of a State Party report. The selection and composition of the children involved in the pre-session shall be limited to the State Party submitting a report as mandated under Article 43 of the ACRWC. The Committee shall, based on technical challenges and

valid restrictions instituted by appropriate laws, limit the number of children in attendance to a delegation of children representing the views of the children affected. The Secretariat of the Committee, in collaboration with relevant UN agencies, NGOs and CSOs, shall, on request, provide technical assistance to children who are invited to attend pre-sessions. The pre-sessional working groups will be child friendly, confidential and held in closed session.

32. State Parties shall support, collaborate with key stakeholders and coordinate the selection of children's delegation at national level during the build-up process to the pre-sessional working group meeting. The selection process of child delegates should ensure the delegation is gender, geographical and status balanced. The children selected to attend the pre-seasonal meeting, shall be given an opportunity to nominate and confirm one child-representative as head of the delegation.
33. The State Party shall ensure that children in marginalized and vulnerable situations participate in the pre-sessional working group meetings. Where children with disabilities attend pre-sessional working groups, measures shall be taken to provide appropriate tools such as braille, sign language, disability trained chaperons to facilitate their participation.
34. The Committee shall adequately explain to children the purpose of their attendance to the pre-sessional working group meeting and communicate with them the outcome of their participation. The Chairperson of the Committee shall recognise the child who is head of delegation and give him/her an opportunity to make a short introductory statement highlighting key issues of concern in the State Party under review and recommendations from their reports. Other children who are part of the children's delegation shall be provided with an opportunity to give inputs on the content of their child-led report before the Committee. The Committee in collaboration with supporting agencies, shall ensure that children attending the pre-sessional working group meeting have realistic expectations

and are provided with clear information on how their participation in the working group or private meetings can influence the outcomes in their country.

35. The Chairperson of the Committee or Country Rapporteur of the State Party under review, may also convene an additional private meeting with the child delegation shortly after the pre-sessional working group. The request for an additional meeting with the Committee should be sent to the Secretariat of the Committee at least 30 days before the date of the pre-sessional working group meeting. The Committee reserves the right to grant or deny such a request, while providing a justification to children for such a decision.

36. The Committee shall coordinate the children's pre-seasonal meeting during the same week as the pre-sessional meeting for the State under review. The meeting shall focus on the information submitted by children and has a more child-friendly format than the pre-sessional meeting. The children shall be provided an opportunity to present the key issues and recommendations included in their report. Time is allotted for Committee members to ask the children questions to enable them to gain a better understanding of the situation in the country.

37. Interpretation services in the official AU languages shall be provided for children attending the children's pre-sessional meetings.

LIST OF ISSUES AND CONSIDERATION OF STATE PARTY REPORTS

38. In consideration of State Party reports, the Committee shall take into account issues submitted in the child-led report when developing the list of issues to State Parties.

39. In conformity with Rules 68 and 69 of the Rules of Procedure, in response to the list of issues, the Committee shall request the State Party to respond to, and provide additional information based on inputs submitted by children.

FOLLOW-UP OF CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

40. In the issuance of Concluding Observations, the Committee shall consider the concerns raised by children in child-led reports, and other relevant supplementary submissions made during the pre-sessional working group meetings with children. State should make its Concluding Observations and recommendations widely accessible to children preferably in local languages and in a child friendly format

41. During State visits on the follow-up on the implementation of Concluding Observations, the Committee shall call upon State Parties and NGOs to organise consultations with children. In its official communication to the State, the Committee, shall request for meetings with children from local, sub-national and national levels within a State to gather children's views on measures taken by the State Party to implement the Committee's Concluding Observations and recommendations.

42. Following the State visit, the Committee shall issue a Mission report within 45 days. The report shall consider children's views including information on concerns and recommendations presented by children during meetings with children. The report shall be circulated to the State under review, other interested institutions, agencies and child-led structures within the State.

43. The Committee shall collaborate with child-led organizations/forums, UN Agencies in the State Party, CSOs, National Human Rights Institutions (NHRIs) and child-led organisations to ensure that the outcome of children's participation during its visit is communicated to the children.

COMMUNICATION PROCEDURES (ARTICLE 44)

44. State Parties shall establish child-friendly formal complaints procedures and establish structures at national level to allow children and other interested persons to submit complaints relating to violations of the provisions of ACRWC. States shall collaborate with relevant agencies to provide sufficient and accessible information to children on domestic measures and judicial procedures available to report incidents of violations of their rights within the State. State Parties shall also provide information about the Committee Communications Procedure in relevant languages and formats accessible to children.

45. State Parties shall take all necessary legislative, administrative and other measures to ensure access to a child-friendly justice system for all children.

46. State Parties shall collaborate with CSOs, and other interested agencies to support children to seek redress for violations of their rights within national judicial systems. Pursuant to Articles 4(2) and 7, the State at the national level, shall consult children directly or through an impartial representative in judicial matters.

47. States Parties shall ensure that, where local judicial remedies have not been exhausted, or are prolonged or ineffective, children may approach the Committee as stated in the Revised Guidelines for the Consideration of Communications.

48. A Communication may be presented on behalf of a child complainant without her or his consent if the complainant is able to show that her/his action is taken in the best interests of the child/children domiciled in a State. When possible, the child whose rights in the ACRWC have been violated and who is capable of expressing her or his opinion shall be informed of the Communication presented on her/his behalf before the Committee.

49. A child/children to whom a Communication relates shall be informed and trained on the Complaints Procedure of the Committee in order to provide the child with realistic expectations of the outcomes. State Parties and CSOs have to popularise the Communications Procedure to children and child-led structures, to provide children sufficient information on the content, format, and requirements on admissibility and merits of a Communication before the Committee.

50. In consideration of admissibility of the Communication, the Committee shall enquire whether the complainants have made every effort possible to consult children on the publication of their identity, and on the procedure to be followed by the Committee in pursuant to Article 44 and accompanying Communications Guidelines.

51. Where a provisional measure is granted by the Committee, the Committee shall communicate without undue delay to the State Party and the complainants. Children subject to the Communication shall be provided with feedback on the outcomes of the provisional measure granted.

52. In line with provisions on hearing of Communications, the Committee either in closed or open sessions may engage children as witnesses or complainants of a Communication. The principles of a child friendly justice shall apply during the hearing of a Communication. Children's testimonies shall be heard in a closed session to enable them to express their views before the Committee. Amicus curiae, or interested third parties may support children capable of expressing their views in simplifying questions put before children by the Committee. State Parties and third parties shall be cautioned by the Committee not to influence children's submissions at the hearing.

53. Members of the Committee may put questions to children in order to understand the extent and gravity of the stated child rights violations. During this process, the Committee shall use simplified and child friendly language to enable a child's understanding of the questions put before the child.

54. The Committee may authorise that children who are capable of expressing

their views on the matter, speak in a local or native language to be translated in a working language of the AU. Children's participation in the Communications hearing procedure shall not be curtailed due to language barriers.

55. Where a child is visibly distressed as a result of the hearing process, the Committee shall halt any such proceedings and provide the necessary psychosocial or debriefing support to children. The Committee may request qualified CSOs to provide psychosocial support or post hearing debriefing for children participating in the hearing process.

56. If it deems it necessary or advisable for the determination of a Communication at any stage before determination on the merits, the Committee may carry out an on-site investigation in accordance with Article 45 of the ACRWC. The Committee, if necessary, may request to meet with children whose rights have been violated under the provisions of the Charter. Such on-site investigation and evidence obtained by the Committee from children's consultation shall be included in the Committee's report on the deliberations of merits of the Communication.

57. The Committee shall further make efforts to communicate amicable settlements to complainants and children involved in Communication. Any process of amicable settlement shall be initiated and continued based on mutual consent of the parties to the Communication. Where an amicable settlement is reached, the Committee shall adopt a report giving a brief statement of the facts of the Communication, the issues identified for determination by all parties and the terms of settlement reached. The Committee shall verify whether the victim of the alleged violation or, as the case may be, his or her representative has consented to the terms of the settlement and are fully aware of the implications of such settlement.

58. In drafting its decision on a Communication, the Committee shall include all relevant steps taken to consult children, consider children's perspectives in its consideration of the Communication including any precautionary measures adopted, on-site investigations conducted and any hearings held involving victims of the child rights violation. The Committee shall take into account the views of children consulted in the process in crafting its decisions and recommendations.

59. The Committee shall request a State Party that has violated any of the articles of the ACRWC to report on all measures taken to implement the decision. In its report, the State shall provide details on steps it has taken to involve or give feedback to children who are victims of the violation in the State.

60. The Committee may call for hearing on implementation of recommendations by inviting a State Party to a Communication to present an oral report before the Committee on all measures taken to implement the decision of the Committee. During this oral hearing, the Committee is required to provide an opportunity to the Respondent State and the Applicants including children to present views on the extent to which the State has implemented the decision of the Committee.

61. State Parties shall facilitate the free and safe participation of Applicants particularly children in the presentation of factual views on the persisting gaps in the implementation of the decisions, and lack of measures to implement the decision of the Committee.

62. In the issuance of the guiding recommendations following an implementation hearing to the Respondent State, the Committee shall provide relevant recommendation for the meaningful engagement of children in fully implementing the decision of the Committee.

INVESTIGATIONS BY THE COMMITTEE (ARTICLE 45)

63. The Committee may conduct an investigative mission to gather information on the situation of child rights in a State Party in accordance with Article 45 of the ACRWC.

64. When drafting the substantial points of the preliminary mission report, the Committee shall make reasonable attempts to receive sources of information from child-led organisation or structures, informal and formal child participation initiatives in the State Party where the mission is to be conducted.

65. The Committee Secretariat shall develop a mission programme in collaboration with the Chairperson and members of the Committee who shall be part of the

mission delegation. The investigation mission to the concerned State Party should include independent consultations with children within the State Party.

66. The programme shall be circulated to the State Party, accompanied by a terms of reference indicating the Committee's intention to engage with children in the State, particularly those whose rights have been violated. The Committee shall consult with children from rural and urban settings, children with disabilities, children living in IDP camps, migrant children, and children living in alternative care settings among others.

67. Members of the Committee shall provide simplified and impartial information to children on the purpose and objectives of their visit to the State Party. Members of the Committee shall be guided by the laws and regulations of the State when engaging with children.

68. The Committee shall take particular attention of the cultural and religious context of a State, and consider the prevailing harmful practices that curtail the meaningful and active participation of most marginalised groups of children such as girls, children with disabilities, survivors of harmful practices such as child marriage and female genital mutilation, and children in armed conflict. Where proven necessary the Committee may request special arrangements to be made in a State to engage with such vulnerable children in a closed session in order to protect their identities.

69. To solicit sensitive information around child-rights violations in the State, the Members of the Committee who are part of the Mission shall use child friendly consultation methodologies. Where possible, the Committee shall engage independent and qualified third parties to provide debriefing and psycho-social support to the children who are part of the meetings with the Committee Members.

70. State Parties shall take all necessary measures to protect alleged victims of violations of the rights of the child in the course and after the mission against threats, harassment, or any other form of intimidation related to the investigative missions.

71. In conformity with Article 22 of the Guidelines on the Conduct of Investigations, the Committee shall include in the final report, procedures and methods used to identify children and to hear their views. The report shall also mention meeting with victimised children, their families or representatives and efforts made by the Committee to address any potential secondary victimisation as a result of their engagement with children in the State. The report should also highlight the concerns expressed by the children in terms of their rights as well as the remedies sought to address the violations during the discussions.

72. The final mission report submitted by the Committee to the State Party shall indicate measures that should be taken to remedy the child rights violations. The Committee where appropriate shall encourage the State Party and other interested stakeholders to circulate in child-friendly formats and in local languages the outcome of the Committee's investigations.

73. The Committee shall follow-up on investigation missions by establishing contacts that will enable it to obtain additional information on measures taken by the State Party to implement its recommendations. The Committee shall request such contacts to gather where possible the perspectives of children in the State Party on the extent to which the State Party has remedied the child rights violations.

74. The Committee may also request a State Party to include in its State Party reports to the Committee, information on the measures to address the recommendations made by the Committee after its investigative mission, and the extent to which the State has used available administrative, judicial and other mechanisms to keep children informed on their efforts to remedy the violations.

75. The Committee may call on child-led initiatives or child participation structures in a State Party to provide information on the implementation of its recommendations following its investigation mission, during its session or its engagement with the respective State Party or any of its activities that raise the issues observed during the mission.

ORDINARY AND EXTRAORDINARY SESSIONS

76. The Committee, where possible shall work with State Parties and CSOs to communicate the dates and place of the next Ordinary Session to national and sub-national child participation structures at national level. The communication shall ensure that child-led structures at the national level are provided with sufficient time to identify children who will participate and to provide them with the necessary information for their participation in ordinary and extraordinary sessions.

77. The Committee shall recognise and provide a standing slot in the provisional agenda for Ordinary Sessions for children to present their recommendations before the Committee. The Committee shall encourage equal participation of children who are capable of expressing their views. The selection of children to attend the Sessions during the build-up process at the national level should be fair and representative of all children irrespective of their background and status.

78. The Committee shall request State Parties, specialised institutions and civil society organisations working for the protection of children to provide technical and financial support for the equal participation of children in its Ordinary Sessions. Where possible, children from all the five African sub-regions should be supported to convene prior to the Ordinary Sessions to discuss and agree on common issues to present before the Committee. Through this process, children shall nominate representatives to present their joint statement at the Opening Session of the Committee. Particular attention should be placed on representation based on gender and disability among other key considerations.

79. The Committee shall collaborate with State Parties, NHRIs, UN agencies, NGOs and CSOs to provide children with adequate child friendly, accessible information, training, and support to understand the conduct of business of the Committee.

80. The Chairperson of the Committee in consultation with the Secretariat of the Committee shall ensure that the agenda items involving children are given priority during the first days of the Open Sessions, in order to give priority to children who

may want to travel back to their home countries before the Committee concludes its working session. The Committee shall encourage stakeholders coordinating travel arrangements to facilitate the timely travel of children to and from their home countries. In cases where technology platforms are used to facilitate children's participation, CSOs and media shall collaborate with the Committee to ensure children have access to devices and reliable internet connectivity.

81. The Committee shall include remarks by child representatives in the opening and closing sessions as a standing agenda item. The aim of the meeting is to give children additional space to discuss and make recommendations on the implementation of the ACRWC.

82. Development partners and CSOs involved in organising sessions with children must have clear and comprehensive child safeguarding policies and frameworks for children's involvement in regional and international events that recognize the particular risks faced by some groups of children and the additional barriers they face in obtaining assistance.

83. In addition, supporting organizations shall ensure that children are aware of their right to be protected from abuse and harm. Organisations should take appropriate measures and precautions to prevent any negative consequence emanating from a child's participation, and protect children from any form of intimidation or reprisals, or fear of such during children's participation. Organisations shall also be responsible for obtaining the written consent of children and their parents or guardians, as applicable, before the child's travel and interaction with the Committee.

84. The Committee's Secretariat shall ensure that its report on the Ordinary and Extraordinary Sessions and the subsequent communique include the children's voices heard during the session.

85. The Session report shall be circulated to all State Parties. State Parties and other

stakeholders are called to disseminate child friendly versions of the Session reports to children and feedback to children on the outcomes of their participation.

86. On the basis of children's views and opinions heard during the Sessions, the Committee shall consider children's views in its decisions, and include children's recommendations given at the Sessions in its activity reports submitted to the Assembly of the African Union.

COMMEMORATION OF DAY OF THE AFRICAN CHILD AND OTHER PROMOTIONAL ACTIVITIES

87. In commemoration of the annual Day of the African Child (DAC) on June 16, and other promotional activities of the ACRWC, the Committee shall, in consultation with child-led structures adopt a theme on a particular issue of major concern to the African Child. The Committee shall issue a concept note to guide State Parties and partners on the objective and expected outcomes of the event. The Committee shall consult with children from all the regions in Africa to solicit their views on the programme and structure of the event.

88. Member States shall report on the commemoration of the DAC, the extent to which children were involved including the particular legal, administrative and other measures put in place to give effect to the recommendations of the Committee in implementing the annual DAC Theme.

C. CHILD PARTICIPATION IN STATE PARTIES

STATE PARTY OBLIGATIONS

LEGISLATIVE, POLICY, REGULATORY, AND ENFORCEMENT

89. State Parties shall review or amend all legislation, policies and administrative procedures that could hinder a child from participating and freely expressing an opinion in all matters that concern him or her. State Parties shall adopt mechanisms to provide children with access to appropriate information and adequate support, to enhance a child's ability to formulate and communicate an opinion freely in all matters affecting him or her.

90. State Parties shall develop a child rights-based national child participation policy or strategy based on the guidance of the ACRWC, and to target the attainment of Aspiration 10 of Agenda 2040 on children's right to be heard in all matters that concern them. National child participation policies or strategies should be child-friendly, inclusive and gender sensitive, and shall include a thorough process of consultation with children and other stakeholders at the family and community levels. Particular attention should be given to identifying and giving priority to the meaningful and safe participation of marginalized and disadvantaged groups of children as well as those in vulnerable situations to ensure no child is left behind.

91. The national child participation policy or strategy shall be inclusive and must pay particular attention to the specific role of stakeholders and the authority regarding the child participation settings and highlighted in these Guidelines in accordance with appropriate laws. The child participation policy or strategy must have the support of all arms of government. It must be linked to a national development strategy or national child policy and national planning processes. The national child participation policy or strategy should adopt varied methods of implementation at national and sub-national levels to accommodate children with disabilities, children from poor households and other most vulnerable children.

92. The national child participation policy or strategy shall be costed, have measurable targets, and have budget allocations for its implementation. National child rights policy frameworks with provisions on child participation should serve as overarching frameworks for giving effect to children's right to participate at all levels in all matters affecting the child. National child participation guidelines, policies or strategies should be developed and adopted through consultative processes with key stakeholders including children.

93. State Parties shall grant access to all children to information needed to ensure they participate meaningfully. Information should be readily available in child and disability-friendly formats that are appropriate for children of different ages through a wide range of sources such as radio, television, libraries, books, press, internet, and helplines. In particular, child-friendly versions of the ACRWC and main national legislation on children's rights should be translated in national and local official languages.

ADMINISTRATIVE AND JUDICIAL PROCEEDINGS

94. State Parties shall protect children in conflict with the law, or children in contact with the justice system for various reasons such as being witnesses, victims/complainants, in civil or criminal matters. In such situations, State Parties shall, as required by ACRWC (Articles 4(2) and 7) ensure that children's opinions are freely expressed, taken seriously and acted upon diligently in accordance with the provisions of appropriate law. State Parties shall ensure that procedural safeguards guarantee children's participation in judicial proceedings and effectively protect their right to participate. This includes addressing gaps within the criminal and civil legal frameworks in States that lack safeguards, especially for child witnesses.

95. State Parties shall ensure that the right of the child to participate is not subject to age limits or any other arbitrary restrictions, either in law or practice.

96. State Parties shall ensure that all actors involved during child participation processes uphold the paramountcy of the child's best interests. Government officials and other relevant justice professionals shall consult children on whether an audience should be present during hearings and, if so, when and who. State Parties

should ensure that hearings are conducted in child-friendly facilities, preferably outside the courtroom or court environment since these could be intimidating spaces for children to freely express their opinion.

97. State Parties shall take all reasonable measures to provide a child in contact with the law and capable of forming their view. with qualified support persons to provide assistance to children during the judicial process. These include health, psychological, social and other relevant services. State Parties should provide the necessary information to children on the means of accessing such services, as well as the availability of legal or other advice or representation and availability of emergency financial support, where applicable, to support a child participating in investigations and court proceedings.

98. State Parties shall ensure that legal requirements are in place to inform children in a child-friendly manner prior to, during, and after hearings. This information shall cover both the content and format of the proceedings, as appropriate for the children's age and maturity. Child-friendly information should be available in oral and written formats throughout the proceedings, taking the child's specific needs into account. All information given to children should be adapted to their level of understanding, age or maturity, with the support of professionals such as intermediaries. State Parties should establish clear rules and guidelines to mainstream the implementation of this right in both criminal and civil proceedings to ensure the availability of appropriate information about the children's proceedings and their rights in a standardised, co-ordinated format.

TRAINING, CAPACITY BUILDING AND AWARENESS RAISING MEASURES

99. States Parties shall develop and strengthen education, awareness-raising initiatives and programmes and user-friendly tools for children and care-givers on the safe and meaningful engagement of children. Such programmes should include knowledge on preventive measures on rights and responsibilities in the digital environment, identification and reporting of violations, remedies, and available redress. Specifically, such programmes should teach children to understand,

according to their maturity, age and evolving capacities, what it means to give consent, to respect fundamental rights, their own and those of others, to seek redress when needed and to use available tools to protect and fulfil their rights.

100. States Parties shall ensure that State and non-state awareness-raising programmes are child-friendly and protect children from potentially harmful content (such as violence and self-harm, adult pornography, child sexual abuse material including online exploitation, discrimination and racism, hate speech) and behaviour (such as the solicitation of children for sexual purposes or “grooming”, bullying or harassment, unlawful processing of personal data, violation of intellectual property rights), and potential consequences of the way in which information about children or shared by children might be further disseminated in different settings and by others.

101. State Parties shall develop strategies at national, sub-national and community levels to promote the full realization of the child’s right to be heard, through public campaigns, including opinion leaders, traditional and religious leaders and the media, to change widespread customary conceptions of children’s participation as a process to challenge adult’s authority. Awareness raising can play a valuable role in changing social norms that are prejudicial to the fulfilment of children’s rights and their protection against harmful social and cultural practices.

COLLABORATION AND COORDINATION

102. States Parties shall implement child participation as a process that necessitates full collaboration and multi-sectoral coordination amongst all stakeholders involved in a specific decision-making setting. Thus, to ensure a meaningful child participation process in the build-up to child participation in the activities of the Committee, State Parties must collaborate with stakeholders at national level, including, the child, parents, where necessary, traditional, community and religious leaders, NGOs and CSOs. State Parties shall set standards and mechanisms to collaborate with key stakeholders at national level.

103. State Parties shall pursue a comprehensive strategic and co-ordinated multi-stakeholder approach informing and engaging all relevant stakeholders. Stakeholders should include national, sub-national and local law-enforcement and other authorities, educational and social-service agencies, independent and NHRIs, data-protection authorities, professionals working for and with children, CSOs, including child and youth-led organisations, business enterprises, industry associations, researchers, families and children, in ways which are tailored to their roles and functions. The Committee avows that a multi-stakeholder approach to children's participation ensures that States are able to coordinate and monitor the efficacy of the build-up process of child participation in the activities of the Committee from all spheres of government and key diverse sectors of society.

104. State Parties shall actively cooperate with the media, with due respect for media freedom and a child's right to access to information, with educational institutions and other relevant stakeholders, to develop awareness-raising programmes aimed at protecting children from harmful content as well as preventing their involvement in illegal online activities. Furthermore, the Committee obliges States to invest in research and knowledge development, including child participation in the field of the rights of the child in the digital environment. Research should be conducted independently of relevant interests and should be sufficiently detailed to differentiate children's experiences based on children's maturity, age, gender, socio-economic status and other factors that render children vulnerable or resilient in the digital environment.

105. State Parties shall establish competent monitoring institutions, such as a children's ombudsperson, children's departments, units or desks, within NHRIs, Commissioner or inspectorate, to monitor compliance with the rules and regulations governing the provision of care, protection or treatment of children in accordance with the obligations set out in the ACRWC. The monitoring body should be mandated to have unimpeded access to children in the State, and should be able to hear the views and concerns of the child directly, and to independently monitor the extent to which children's views are listened to and given due consideration as required by the ACRWC.

COLLABORATION AND COORDINATION IN DIFFERENT SETTINGS AND SITUATIONS AT THE NATIONAL LEVEL

SUB-NATIONAL LEVEL

106. State Parties shall establish child participation structures at the sub-national level that link children at community, local and national level structures to ensure that there is free and continuous flow of information by children and for children, and children are able to influence policies and decision making at all levels of governance. Local authorities with legislative and administrative mandates at local level shall also foster children's participation in local governance processes. A well-coordinated structure at the sub-national level, will ensure effective child participation processes during the build-up process at the national level. These Guidelines support the need for all spheres of governance within the State to take all appropriate measures to promote and protect the rights of a child to participate in the build-up process at the national level.

COMMUNITY LEVEL

107. State Parties shall collaborate with members of the community, in particular community leaders in rural settings and situations where the approval of a community leader is required to validate and authorise child participation in the build-up process at the national level. The ACRWC recognises the important role played by community leaders in the development of a child in several provisions. For example, through Article (14) (i) of the ACRWC calls on State Parties to collaborate and ensure the meaningful involvement of CSOs, local communities in the planning and management of basic service programme for children. These Guidelines postulate the various other stakeholders at the community level with whom State Parties may collaborate in the build-up process at national level, including, but not limited to the media, private sector and NGO's, particularly those working with or for children's development.

FAMILY LEVEL

108. State Parties shall collaborate with members of the family directly responsible with the upbringing of the child, in particular the child's parents. The Committee acknowledges that a 'parent' is not limited to the child's biological parent. It includes legal guardians, extended relatives with child custody powers, children who are guardians and providers in child headed homes and community leaders such as chiefs who are usually consulted at the community level before certain decisions are taken regarding a child in a given community. This broad definition of 'parent' is crucial in an African setting and in consonance with Article 31 of the ACRWC.

RESOURCE ALLOCATION AND HUMAN RESOURCES SUPPORT

109. States Parties shall prioritise ongoing investment (of personnel, skills, shared experience and financial resources) in working with children to ensure the sustainability of child participation initiatives.

110. State Parties shall allocate sufficient resources to support sub-national and local commemorative events organised by the Committee such as the DAC. State Parties should sponsor the participation of representatives of child-led structures to participate in the commemoration of the DAC.

111. Further, States are obligated to allocate sufficient funds in the national budget, to ensure satisfactory and meaningful implementation of a child's right to participate at national and sub-national level. Such budget allocations should prioritise providing a child friendly space in a formal setting, training skilled personnel, establishing and supporting children's courts (during judicial processes for all matters concerning the child).

112. State Parties shall ensure that there is sufficient budget allocated to other important factors and activities around the build-up process of child participation at the National level. These activities should include sponsoring a child's (including

his/her parents where necessary) transportation and accommodation to attend and participate in an activity or activities around the build-up process and in the activities of the Committee.

113. The State shall provide a child with a competent and impartial representative where the child chooses not to participate directly in a formal or informal participation setting at the State, sub-regional and continental levels. Articles 4(2) and 7 of the ACRWC obliges State Parties to provide the child with an impartial representative as a party to the proceedings when required.

114. State Parties shall support and provide gadgets and internet to children, to enable them participate in decision-making processes on matters concerning their lives, especially in instances where the children are required to participate remotely but without or with limited access to gadgets and the internet.

115. State Parties must fund the establishment of child rights clubs in schools, child parliaments and children's councils that are representative of all the geographical regions/ districts in a country. Particular focus should be placed by a State in availing necessary resources to aid the participation of children from minority groups and children with disabilities.

116. State Parties should allocate the necessary financial resources to create linkages of child participation structures established from community, local, sub-national and national level in order to create sustainable structures and platform.

D. AUXILIARY MEASURES

CHILD SAFEGUARDING PRINCIPLES

117. All activities of the Committee, commemorative and promotional events related to provisions of the ACRWC and discussions around these Guidelines that require child participation shall go through preparation, risk analysis and have the approval of at least 2 Members of the Committee including the Special Rapporteur on child participation.

118. Any organization planning to involve children in any of the activities of the Committee shall inform the Committee in writing at least 3 months before the event. The Committee shall take all necessary measures to ensure that the meeting place is child-friendly, safe and considers the needs of children with disabilities. The Committee shall appoint safety personnel to ensure that all authorised safeguarding measures are implemented properly.

119. All individuals or organizations coming into contact with children directly or indirectly during children's participation in the activities of the Committee shall sign a Code of Conduct.

120. Children's information collected for the purpose of any Committee activities or process shall adhere to the AU data protection policy, which includes ensuring the safety and protection from misuse of the data.

TECHNOLOGY

121. The Committee shall encourage the use of technology to enhance the child's right to participate through access to online information, and access to virtual spaces for expression and engagement.

122. The Committee shall set up online tools for child participation with high

quality child friendly content that is age and culturally sensitive. Special pages on the Committee's website and social media pages shall include child-friendly materials and information that enable children to reach the Committee easily and effectively.

123. To encourage use of technology for child participation, the Committee shall accept submissions of children's views through but not limited to the following ;

- a) Emails;
- b) Recorded videos;
- c) Audio;
- d) Virtual meeting/video conferencing;
- e) Virtual Reality (VR)
- f) Telephone interviews; and
- g) Social media platforms.

124. State Parties should provide an enabling environment and training to children to use digital tools to learn, engage and express themselves, and respect the rights and dignity of others.

THE ROLE OF OTHER STAKEHOLDERS

125. The Committee, may also, where it deems it appropriate, collaborate with several stakeholders including CSOs, NGOs, CBOs and State authorities to get the perquisite clearance at national level to enable a child to be involved and to participate in any of its activities. The Committee shall apply a systematic multi-stakeholder approach to collaboration and coordination from the family, community, sub-national, national and RECs level, to enable a child to participate during the activities of the Committee. The Committee therefore provides the following guidance:

CHILD LED ORGANIZATIONS/FORUMS

126. Shall encourage their members (children) to get involved in the decision-making process in any community and national level process related to their rights. This is to reinforce the “nothing about us, without us” principle which emphasises the involvement of children in all matters concerning them.

127. Shall provide support to the Committee, State Parties and CSOs in developing child friendly materials. This includes suggesting legal, policy, research, decisions, and recommendations that need to be made into a child friendly version to support children with the appropriate knowledge to claim their rights. The Committee shall request child-led organisations to widely disseminate materials to children.

128. Shall organise forums, research, campaign and discussions on matters affecting them. Holding regular children meetings to discuss issues that affect them.

CIVIL SOCIETY ORGANIZATIONS

129. Engage communities in community-based programs and strengthen the capacity of religious, traditional and community leaders on child participation to address negative social and cultural views on children’s agency.

130. Invest in raising awareness on the importance of child participation. Child participation is still a new concept at the same time evolving, to ensure meaningful child participation, parents, children, and communities need to be aware of the importance of child participation.

131. Conduct monitoring of commitments made to children. To ensure children’s views are taken into consideration, CSOs should regularly conduct monitoring of national and sub-national decision making processes to monitor if children’s voices are taken into consideration and thereafter give the feedback to the children.

132. Establish an advisory group of stakeholders with clearly identified roles, responsibilities, financial contributions, and activities for the participation of children.

PRIVATE SECTOR

133. Collect children's views and opinions when identifying their corporate social responsibility priorities and any other business decisions that may impact children.

134. Involve children in advertising processes, children are aware of their role in the process. Businesses should regard children as equal stakeholders.

135. Integrate children's rights to be heard into existing corporate commitments and policies with international investors.

136. Utilize new innovative technologies, such as Artificial Intelligence, data analytics tools and data motifs to engage children, promote promote safety and prevent child rights violation online and offline.

137. Support child led initiations and other child participation platforms.

MEDIA

138. State Parties shall provide ethical guidance on how the media can engage children at national, and sub-national levels.

139. Shall be responsible for building the capacity of children to meaningfully engage in both digital and mainstream media, and the use of these mediums in a safe manner

140. Provide safe platforms for children to express themselves in debates on matters concerning them.

NATIONAL HUMAN RIGHTS INSTITUTIONS

141. National Human Rights Institutions (NHRIs) shall promote, protect and monitor children's right to participate as part of their mandate.

142. NHRIs shall remain independent and consistently monitor the level, quality, relevance of children's participation in a State from local, sub-national and national levels.

143. NHRIs shall create children's units which are safe and an enabling environment for receiving children's complaints, and where possible raise awareness on their mandate with children using child friendly approaches.

144. Where the legal and judicial systems permit, NHRIs shall support victims of child rights violations with legal aid and support for individual or collective claims.

145. NHRIs with affiliate Status to the Committee shall report to the Committee the status of children's participation in a State Party.



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