



Compendium of Working Documents of the African Committee of Experts on the Rights and Welfare of the Child

October 2022



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Revised Rules of Procedures

Revised Rules of Procedure of the African Committee of Experts on the Rights and Welfare of the Child

Preamble

The African Committee of Experts on the Rights and Welfare of the Child in accordance with Article 38 of the African Charter on the Rights and Welfare of the Child adopts the present Rules of Procedure.

These rules regulate the organization and establish the procedure of the African Committee of Experts on the Rights and Welfare of the Child. In the absence of provisions in these Rules or in case of doubt as to their interpretation, the committee shall decide.

Definitions

For the purposes of these Rules:

“Assembly” means the assembly of Heads of State and Government of the African Union.

“African Commission” or *“Commission”* means the African Commission on Human and Peoples’ Rights.

“African Court” or *“Court”* means the African Court on Human and Peoples’ Rights.

“African Children’s Charter” or *“the Charter”* means the African Charter on the Rights and Welfare of the Child.

“Bureau” refers to the elected officers of the Committee in accordance with these Rules.

“Chairperson” means the chairperson of the African Committee of Experts on the Rights and Welfare of the Child.

“Committee” refers to of the African Committee of Experts on the Rights and Welfare of the Child.

“Communications” shall be understood to be any complaint received by the Committee in accordance with Article 44 of the African Charter.

“Communique” means any statement of the Committee released to the public.

“Executive Council” refers to the Executive Council of the African Union.

“General Comments” shall be understood to be detailed analysis done by the Committee on particular provisions of the African Children’s Charter for the purpose of in-depth interpretation and understanding of the Charter.

“Member State” means a member state of the African Union.

“Mission” refers to the fact finding and investigation visits, follow up visits to State Parties to monitor implementation of concluding observations and recommendations, advocacy and synthetization visits to Member States.

“Paris Principles” refer to the United Nations Principles

relating to national institutions for the promotion and protection of human rights adopted by the General Assembly of the United Nations under Resolution 48/144 of 20th December 1993.

“Quorum” means the required number of attendance of the Committee members to deliberate and pass a decision on a matter before the Committee.

“Rules” means the present Rules of Procedures.

“Secretariat” refers to the Secretariat of the Committee.

“Secretary” refers to the Secretary of the Committee.

“Special mechanism” shall be understood to be special rapporteur, working group, study group, sub-committee or other subsidiary body established by the Committee with a specific mandate.

“Session” refers to the statutory meetings of the Committee. This may also include Ordinary and Extraordinary sessions.

“State Party” means a Member State which has ratified the African Children’s Charter.

“Working Languages” refers to the working languages of the African Union.

CHAPTER I :THE COMMITTEE AND MEMBERS

Rule 1: Nature and composition of Committee

1. The African Committee of Experts on the Rights and Welfare of the Child is an Organ created by the African Union in accordance with article 32 of the African Children’s Charter with mandate to promote and protect the rights and welfare of the child and monitor the implementation of the African Charter on the Rights and Welfare of the Child.
2. In conformity with Article 33 of the African Charter, the Committee is composed of 11 members of high moral standing, integrity, impartiality and competence in matters of the rights and welfare of the child.
3. Members of the Committee must have the nationalities of the State Parties to the African Children’s Charter and shall serve in their personal capacity.

Rule 2: Term of office

1. Pursuant to article 37 of the African children’s Charter, the members of the Committee are elected for five years and shall be eligible for re-election once.
2. If a member of the Committee re-elected to replace a member whose term of office has expired or will expire, the term of office shall begin from that expiry date.
3. In conformity with article 39 of the African Children’s

Charter, the member of the Committee elected to replace a member whose term has not expired , shall complete the term of her/his predecessor.

Rule 3: Precedence

1. Members of the Committee, in the exercise of their mandate, are of equal status irrespective of age or length of service.
2. In the conduct of their internal processes, the members of the Committee shall follow the Chairperson and Vice Chairperson in order of precedence according to their seniority in office. When there are two or more members with equal seniority, precedence shall be determined according to seniority of age.

Rule 4: Incompatibility

1. Membership of a Committee is incompatible with any activity that might interfere with the independence, impartiality, moral standing and integrity of such Member or the demands of the office of the African Committee of Experts on the Rights and Welfare of the Child.
2. Each member of the Committee shall be responsible to declare to the Chairperson or to the Vice Chairperson any other activities that might compromise the Committee.
3. The Chairperson of the Committee shall notify the Chairperson of the African Union Commission, the decision in respect to incompatibility together with all relevant materials for the purpose of Article 39 of the African Children's Charter.

Rule 5: Resignation, cessation of function or death of a member of the Committee

1. A member of the Committee may resign from her/his position anytime by furnishing a written notification to the Chairperson of the Committee who shall notify the Chairperson of the African Union Commission.
2. If a Committee member has, in the unanimous opinion of other members of the Committee, stopped discharging her/his duty for any reason other than temporary absence, the Chairperson of the Committee shall declare the cessation of function of the member concerned and shall notify the Chairperson of the African Union Commission of the same.
3. In the event of death of a member of the Committee, the Chairperson shall immediately notify the Chairperson of the African Union Commission of the same.
4. The Chairperson of the African Union Commission shall upon receipt of a notification under the forgoing sub-rules, declare the seat vacant and take appropriate action to ensure the vacancy is filled in accordance with Article 39 of the African Charter.

CHAPTER II: BUREAU OF THE COMMITTEE

Rule 6: Composition of the Bureau

1. The Bureau of the Committee shall be composed of a Chairperson, the ViceChairperson, and a Rapporteur.

Rule 7: Election of the Bureau

1. The Committee shall, on the basis of rotation, taking regional and gender representation into consideration, shall elect the Bureau for a period of two years.
2. Election shall be by secret ballot, the Committee decides on another procedure.
3. An affirmative vote of a simple majority of members present and voting shall be required for an election referred to under Rule 7(l).
4. Should it be necessary to hold more than one ballot for election into any of these positions, the nominees receiving the lowest vote shall be eliminated successively.
5. When only one person or member is to be elected and no candidate in the first ballot obtains the affirmative vote of simple majority of members present, a second ballot shall be taken, which shall be restricted to the top two candidates who obtained the greatest number of votes.
6. If the second ballot is inconclusive, a third ballot shall be taken on the basis of a simple majority in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating until a person or member is elected.
7. When two or more elective positions are to be filled at one time, those candidates obtaining the two-thirds majority in the first ballot shall be

elected. If the number of candidates obtaining such majority is less than the number of elective positions, there shall be additional ballots to fill the remaining positions on the basis of a simple majority.

Rule 8: Term of office of the members of the Bureau

1. The term of office of the members of the Bureau of the Committee shall be two years. The term of office shall run from the date of election until the election held the next election.
2. The position of the Chairperson shall not be eligible for re-election.
3. Other Members of the Bureau may be re-elected to their various position only once during their membership of the Committee provided that their term of office does not come to an end before the expiry of the term of office of the Bureau.
4. If any member of the Bureau, before the normal expiry of her/his term of office, ceases to be a member of the Committee or resigns from the Bureau, the Committee shall as soon as possible elect a successor to hold office for the remainder of the her/his term.

Rule 9: Powers and Functions of the Bureau

1. The Bureau shall coordinate and supervise the promotional and protective activities of the members of the Committee and its special mechanisms as established from time to time.
2. The Bureau shall oversee and coordinate the work of

the Secretariat of the Committee which shall include the preparation of work plan and budget of the Committee.

3. The Bureau shall provide recommendations to the Chairperson on the appointment of the Secretary and shall make an annual assessment of the performance of the Secretary to the Committee, and submit this assessment to the Committee for its consideration.

Rule 10: Powers and Functions of the Chairperson

1. The Chairperson of the Committee shall perform the functions assigned to her/him by the African Children's Charter, the Rules of Procedure, and the decisions of the Committee, the African Union Assembly and African Union Policy Organs.
2. In particular, the Chairperson shall:
 - a. Direct the work of the Committee and follow up compliance with its work plan;
 - b. Convene the Ordinary and Extraordinary sessions of the Committee in accordance with this Rules of Procedure and the decisions of the Committee;
 - c. Preside over the meetings of the Committee;
 - d. represent the Committee before the organs, bodies and institutions of the African Union and other institutions;
 - e. follow up compliance with the decisions, and implementation of the recommendations of the Committee;
 - f. Maintain oversight function over the activities of the Secretariat;
 - g. Consult with the Chairperson of the African

- Union Commission on the appointment of a secretary to the Committee whenever the post is vacant;
- h. Submit the assessment report referred to in Rule 9 to the relevant department of the African union Commission
 - i. Direct and supervise the preparation of the budget of the Committee by the Secretariat and its adoption by the Committee;
 - j. Present and defend the budget of the Committee before the relevant organ of the African Union;
 - k. Present the Activity Report of the Committee to the Assembly of the African Union;
 - l. Maintain relations with the organs and institutions of the African Union and departments of the African Union Commission;
 - m. Perform other functions that may be conferred upon him/her in these Rules or other tasks entrusted to him /her by the Committee or the Assembly.
3. The Chairperson may delegate the above-mentioned powers and functions to the vice chairpersons or any member of the Bureau or the Committee where necessary.

Rule 11: Powers and functions of the Vice-Chairperson

1. In the event the chairperson resigns from the bureau or is temporarily unable to perform his or her functions, his/her functions shall be performed by the vice Chairperson or the rapporteur until the Committee elects a new chairperson or the Chairperson resumes

- his or her functions.
2. The Vice-Chairperson acting in the capacity of the Chairperson shall have same powers and functions as the Chairperson.
 3. The Vice-Chairperson shall perform any other function delegated to them by the Chairperson or the Committee.

Rule 12: Powers and functions of the Rapporteur

1. Oversees the report of the proceedings by the secretariat.
2. Coordinates the compilation of reports by the Secretariat in compiling reports of the Committee's Sessions

Rule 13: Vacancies in the Bureau

1. If a member of the Bureau resigns from his/her position or ceases to be a member of the Committee, the remaining members shall represent the Bureau until the next session, where the Committee fills the position for the remainder of the term.

CHAPTER III: SECRETARIAT TO THE COMMITTEE

Rule 14: Composition and organisation of the Secretariat

1. The Secretariat of the Committee shall comprise the Secretary, and other professional, technical and administrative staffs that the Committee may require for the effective exercise of its functions.

2. The Committee shall prescribe the structure, powers and functions of the Secretariat and shall place it before the relevant Organ for approval.

Rule 15: Appointment of Staff of the Secretariat

1. In accordance with article 40 of the African Children's Charter, the Chairperson of the African Union Commission shall appoint the Secretary to the Committee after consultation with the Chairperson of the Committee.
2. Appointments to such other positions as the Committee shall determine may be made by the Secretary in consultation with the relevant department of the African Union Commission and the Chairperson of the Committee.
3. The staff of the Secretariat shall be subject to the Staff Rules and Regulations of the African Union Commission.
4. Notwithstanding paragraph 3 above, the Committee shall preserve the power to appoint other staff outside the auspices of the African Union.

Rule 16: Functions of the Secretariat

1. The Secretariat under the authority of the Secretary shall provide the Committee with technical and logistical support desired for the effective functioning of the Committee.
2. The Secretariat shall prepare draft documents, reports and statement of the Committee and shall process correspondences, petitions and communications addressed to the Committee.
3. The Secretariat may also request that interested

parties provide any information it deems relevant, in accordance with the provisions of these Rules of Procedure.

4. The Secretariat shall undertake any other technical or administrative assignment entrusted to it by the Committee or by the Chairperson.

Rule 17: Functions of the Secretary to the Committee

1. The Secretary to the Committee shall, under the general direction of the Chairperson, be responsible for the coordination and supervision of all the operations and activities of the Secretariat.
2. The Secretary shall in particular:
 - a. assist the Committee and its members in the exercise of their functions;
 - b. co-ordinate, supervise and evaluate the work of the staff of the Secretariat
 - c. In consultation with the Chairperson prepare:
 - i. a draft agenda for each session;
 - ii. the Committee's strategic plan, annual work plan and annual budget;
 - iii. reports of each session
 - iv. guidelines on missions for adoption by the Committee;
 - d. organize sessions in consultation with the Chairperson of the Committee
 - e. assist in the preparation of draft activity reports and mission reports or any other reports required under this Rules of Procedure or by the decision of the Committee;
 - f. present a written report to the Committee at the beginning of each session on the activities of the Secretariat carries out during the intersession;

- g. assist in maintaining relations between the Committee and the organs and institutions of the African Union and departments of the African Union Commission
 - h. Implement the decisions entrusted to her/him by the Committee or the Bureau;
 - i. Serve as the regular channel for all communications concerning the Committee, and in particular effect all communications, notifications and transmission of documents required by the present Rules or the Chairperson;
 - j. Maintain custody of the archives of the Committee;
 - k. Make available to the general public information and documents that are not confidential, and ensure the publication of any document in the working languages of the Committee as required under these Rules or by the Committee including posting on the website of the Committee;
 - l. Assess the performance of the staff of the Secretariat
3. The Committee may assign additional functions to the Secretary as deemed necessary.

Rule 18: Confidentiality of the work of the Committee

- 1. The staff of the Secretariat must observe the principle of confidentiality in all matters that the Committee considers confidential as stipulated under the Charter and these Rules.

CHAPTER IV: FINANCES OF THE COMMITTEE

Rule 19: Budget and Financial responsibilities

1. The Budget of the Committee shall be provided by the African Union and shall be governed by the African Union financial rules.
2. The expenses of the Committee, emoluments and allowances for the members of the Committee and the budget of the Secretariat shall be borne by the African Union, in accordance with criteria laid down by the African Union in consultation with the Committee.
3. The Committee may seek or accept contributions from external sources to support its work in accordance with the African Union rules.

Rule 20: Estimates

1. When the Committee considers a proposal entailing expenses, the Secretary shall prepare and present to the members of the Committee, as soon as possible after the proposal is made, a report outlining the financial implications of the proposal.

CHAPTER V: LANGUAGE

Rule 21: Working languages

1. The working languages of the Committee shall be those of the African Union.
2. The proceedings of the Committee shall be conducted in

any of its working languages. All official decisions and documents of the Committee shall be made available in the working languages of the Committee.

3. Notwithstanding, the committee may, in the best interests of a child/children concerned, permit any person to use a language of her/his choice if it is shown that he/she does not have sufficient knowledge of any of the working languages of the Committee.

Rule 22: Interpretation from a working language

1. Statements made in any of the working languages shall be interpreted into the other working language.

Rule 23: Interpretation from a non-working language

1. Any person addressing the Committee in a language other than one of the working languages pursuant to Rule 21(3) shall provide and bear the expenses of interpretation into one of the working languages.
2. The interpreters of the Secretariat shall take the interpretation of the original language as the source language for their interpretation in the other working language.

CHAPTER VI: SESSIONS

Rule 24: General principles on sessions

1. The Committee shall hold Ordinary and Extraordinary Sessions as may be required for the effective performance of its functions in accordance with the African Children's Charter. The Committee may

- conduct its deliberations in open or closed session as appropriate.
2. The Committee may hold a Press Conference immediately after the opening ceremony of its Sessions.
 3. The Committee may also issue a Communique at the end of each Sessions.

Rule 25: Ordinary Sessions

1. The Committee shall hold two Ordinary Sessions annually, unless the Committee decides otherwise.
2. The Ordinary Sessions of the Committee shall be convened on dates set by the Committee. Where possible, the date and place of the next ordinary session shall be determined prior to the conclusion of each period of Ordinary Sessions.
3. The Chairperson shall propose the dates in consultation with the Chairperson of the African Union Commission and with the Bureau of the Committee.

Rule 26 Extraordinary Sessions

1. Extraordinary Sessions of the Committee may also be convened by the Chairperson, if the Committee so decides at any of its sessions.
2. When the Committee is not in session, the Chairperson may convene extraordinary sessions of the Committee in consultation with the Bureau.
3. The Chairperson of the Committee shall, convene extraordinary sessions:-
 - (a) At the written request of a simple majority of the members of the Committee;

- (b) At the written request of a State Party to the African Children’s Charter.
 - (c) At the request of the African Union Commission.
4. Extraordinary sessions shall be convened as soon as possible on a date fixed by the Chairperson, in consultation with the Chairperson of the African Union Commission and the Bureau of the Committee.

Rule 27: Joint Sessions

1. The Committee may hold joint sessions in consultation with the African Commission, African Court or any other Organ that the Committee deems appropriate.

Rule 28: Venue of Sessions

1. Sessions of the Committee shall normally be held at its Headquarters. However, the Committee may decide to meet in the territory of any State Party, with the consent or at the invitation of the State Party.
2. In the event that a State party invites the Committee to hold a session in its territory, that State party shall sign an agreement to that effect with the Committee. Such agreement shall vest the State Party with the responsibility for all additional expenses incurred by the Committee as a result of the session being held outside its headquarters, in conformity with the established rules and standards of the African Union.
3. Any country offering to host the Committee should comply with its obligations under Article 43 and recommendations of the Committee.
4. The Committee shall not accept invitation from a

State Party which is under any suspension of the African Union or associated with any grave human rights violation within its territory or beyond.

Rule 29: Notification of dates and venue of sessions

1. The Committee decides on the venue and dates of the next Session during its sitting.
2. In the event that the Committee is not meeting in its Headquarters, the venue of the next Session shall be communicated during the sitting of the Committee.
3. In cases the Committee decides to hold an extra ordinary session, the Secretary, in consultation with the Chairperson, shall notify the Members 90 days in advance.

Rule 30: Open Sessions

1. Sessions of the Committee shall be open unless it appears necessary to do otherwise under the provisions of the Charter or the present Rules or unless the Committee decides otherwise.
2. Representatives of the African Union Organs and institutions, such as United Nations bodies, intergovernmental organizations, non-governmental organizations, and National Human Rights Institutions, RECs, Universities, faith-based organizations shall be entitled to participate in the open sessions of the Committee under modalities to be established for the purpose.

Rule 31: Closed Sessions

1. Closed Sessions of the Committee shall be held in private and deliberate or institutions shall remain confidential.
2. At the beginning of each Ordinary Session the Committee shall convene a closed pre-session meeting to prepare for the session to be opened.
3. The committee shall also hold its deliberations on Communications in closed sessions.
4. The Secretary to the Committee, members of the secretariat and persons providing technical or secretarial assistance shall be present and participate at closed sessions as may be required.
5. If the Committee so decides, it may invite any interested party to be present in closed sessions dealing with issues of particular interest to them.
6. The Chairperson of the African Union Commission shall have the right to be represented at closed meetings of the Committee and its subsidiary bodies and to participate without voting rights.
7. Without prejudice to any confidential information, the Committee or its subsidiary bodies may, issue a communiqué to the public on deliberations held in closed sessions.

CHAPTER VII: AGENDA OF SESSIONS

Rule 32 Provisional Agenda for Ordinary Sessions

1. The provisional agenda for each Ordinary Session shall be prepared by the Secretary in consultation with the Chairperson of the Committee, in conformity

- with the present Rules of Procedure.
2. The Committee may, at its own initiative or upon request, invite any African Union Organ or institution, State Party, specialized agencies, bodies and programs of the United Nations; other intergovernmental organizations recognized by the Africa Union; National Human Rights Institutions recognized by the Committee or non-governmental organizations with observer status to propose an agenda item for the discussion of the Committee during its Ordinary Session.
 3. The provisional agenda may as much as possible include items proposed by:
 - (a) the Committee at a previous session;
 - (b) The Chairperson of the Committee;
 - (c) A member of the Committee;
 - (d) A State Party to the African Children's Charter;
 - (e) the Chairperson of the African Union Commission relating to her/his functions under the African Children's Charter or these Rules;
 - (f) Any African Union organ or institution;
 - (g) Any organisation recognised by the African Union;
 - (h) national human rights institution with affiliate status or non-governmental organisation with observer status;
 - (i) specialized institutions of the United Nations of which State Parties to the African Charter are members
 4. Items proposed under (d) (e) (f) (g) (h) (i) of paragraph 3 shall be communicated to the Secretary accompanied by supporting documents not later than 60 days before the opening of the session at

which these items are to be discussed.

5. The decision to include an item on the Provisional Agenda shall be vested on the Bureau of the Committee. The Secretariat shall inform the decision on the agenda item to requesting party at least a month before the Session.

Rule 33: Agenda for Extraordinary Sessions

1. Unless otherwise decided by the Committee, the Agenda for an Extraordinary Session of the Committee shall consist only of those items which were proposed for the convening of the Extraordinary Session.

Rule 34: Transmission of the Provisional Agenda and basic documents

1. The Secretary shall transmit the Provisional Agenda and basic documents relating to items on the Agenda to the members of the Committee at least thirty (30) days before the opening of an Ordinary Session.
2. The Secretary shall transmit by all appropriate means the Provisional Agenda to the Chairperson of the African Union Commission, African Union Organs and Institutions, State Parties, intergovernmental organizations, National Human Rights Institutions, non- governmental organisations, and shall publish in the public domain at least twenty-one (21) days before the opening of an Ordinary Session.

Rule 35: Revision and Adoption of the Agenda

1. At the beginning of each session, the Committee shall

- consider and adopt the Agenda of the Session.
2. The Committee may, in its consideration of the Agenda, decide to add, defer or delete items as appropriate.

CHAPTER VIII: CONDUCT OF BUSINESS

Rule 36: Point of order

1. The Chairperson shall rule on points of order.
2. During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairperson in accordance with these Rules of Procedure.
3. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a simple majority of the members present and voting.
4. A member raising a point of order may not speak on the substance of the subject matter under discussion.

Rule 37: Time limits to speakers

1. In the course of the discussion of an item, the Chairperson may propose to the Committee a limit on time to be accorded to speakers and on the number of times each person may speak on any matter,
2. The Chairperson shall limit the time allowed to each speaker on any matter. When a speaker exceeds her/his allotted time, the Chairperson shall call her/him to order without delay.

Rule 38: List of speakers

1. During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed.
2. The Chairperson may, however, accord the right of reply to any speaker if a speech delivered after he/she has declared the list closed makes this desirable.

Rule 39: Oral interventions

1. None may take the floor at a meeting of the Committee without the authorisation of the Chairperson. The Chairperson shall grant the floor to speakers in the order in which it has been requested.
2. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if her/his remarks are not relevant to the subject matter under discussion.

Rule 40: Adjournment of meetings or debates

1. The Chairperson may propose adjournment of a meeting or a debate.
2. During the discussion of any matter, a member of the Committee may, at any time during a debate, move for the adjournment of a meeting or debate on the item under discussion.
3. In addition to the person who proposed the motion, one member may speak in favor and one against the motion, after which the motion shall immediately be put to the vote

Rule 41: Closure of debate or meeting

1. A member may, at any time, move for the closure of the debate on the item under discussion, whether or not any other member or representative had signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall immediately be put to the vote.
2. When the debate on an item is concluded pursuant to the decision of the Committee under paragraph 1 above or there are no other speakers, the Chairperson shall declare the debate closed.
3. During the discussion on any matter a member of the Committee may move for closure of the meetings. Such motions shall immediately be put to a vote

Rule 42: Order of motions

Subject to Rule 36, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) Competence of the committee;
- (b) Point of order;
- (c) Recusal of a member;
- (d) Adjournment of the meeting;
- (e) Adjournment of the debate on the item under discussion;
- (f) Closure of debate on the item under discussion.
- (g) Closure of meeting

Rule 43: Submission of motions

1. Unless otherwise decided by the Committee, any motions or amendments to motions submitted by members of the Committee on substantive matters shall be introduced in writing and handed to the Secretariat and their consideration shall, if so requested by any member, be deferred to the following day.

Rule 44: Decisions on competence

1. Subject to Rule 43, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall immediately be put to the vote before a vote is taken on the proposal in question.

Rule 45: Withdrawal of motions

1. A motion may be withdrawn by the member who proposed it at any time before it is put to vote, on condition that it has not been amended. A motion thus withdrawn may be reintroduced by any other member.

Rule 46: Reconsideration of proposals

1. When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a simple majority vote of its members present, so decides. Permission to speak on a motion to reconsider shall be accorded only to one member

in favor of and one against the motion, after which it shall immediately be put to the vote.

CHAPTER IX: VOTING

Rule 47: Quorum

1. In conformity with Article 38(3) of the African Children’s Charter, seven members of the Committee shall constitute a quorum. When such a quorum is not met, the Committee shall postpone the decision making on a certain matter under discussion.

Rule 48: Voting rights

1. Decisions of the committee shall be taken by vote, failing a decision by consensus.
2. Each member of the Committee shall have one vote. In case of a tie in votes the Chairperson shall have a casting vote.

Rule 49: Required Majority

1. Decisions on of the Committee shall be made by simple majority of its members present.

Rule 50: Method of voting

1. Unless otherwise decided by the Committee and subject

- to Rule 7 the Committee shall vote by a show of hands.
2. Any member may request a rollcall vote, which shall be taken in the alphabetical order of the names of the members of the Committee, where by each member may reply “yes” or “no” or “abstention”. The vote of each member participating in any roll-call including abstentions shall be inserted in the record.
 3. The Committee may also decide to hold a secret ballot.

Rule 51: Conduct during voting and explanation of votes

1. After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting.
2. Members may make brief statements only for the purpose of explaining their vote, before the beginning of the vote or once the vote has been taken.

Rule 52: Division of proposals

1. Parts of a proposal shall be voted upon separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved or amended shall then be put to the vote as a whole. If all of the operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole

Rule 53: Order of voting on amendments

1. When an amendment to a proposal is moved, the amendment shall be voted upon first. When two

or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed there from and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 54: Order of voting on proposals

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote upon the proposals in the order in which they have been submitted.
2. The Committee may, after each vote on a proposal, decide, by a simple majority, whether to vote upon the next proposal.
3. Any motions which do require any decision on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before those proposals. Motions which are not on the substance of a proposal shall be voted upon before the said proposals.

CHAPTER X: RECORDS

Rule 55: Records of Sessions

1. The Secretariat shall keep verbatim recordings of the proceedings of the sessions of the Committee. It may

also keep recordings of the proceedings of sessions of its special mechanism, if the Committee so decides. The Secretariat of the Committee shall also ensure of the sessions of the Committee.

2. Summary records of the open and closed sessions of the Committee shall be prepared by the Secretariat. Committee members may submit corrections to the Secretariat in the languages in which the records have been issued within a specified time of the receipt of such records. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued at the end of the session concerned. Any disagreement concerning such corrections shall be decided upon by the Chairperson of the Committee or, in the case of continued disagreement, by decision of the Committee.

Rule 56: Distribution of summary records

1. The summary records of open and closed sessions shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to other interested parties upon decision of the Committee at such time and under such conditions as the Committee may decide.

CHAPTER XI SPECIAL MECHANISMS

Rule 57: Establishment of special mechanisms

1. The Committee may assign specific tasks or mandates to either an individual member or group of members

concerning the preparation of its periods of sessions or the execution of special programs, studies and projects._

2. Each working group shall elect its own officers and the present Rules of Procedure of the Committee shall apply mutatis mutandis_to the proceedings of special mechanism created by the Committee.
3. The Committee may create special mechanisms, outside the membership of the Committee, with mandates that are linked to the fulfillment of its functions of promotion and protection of children's rights and in accordance with the thematic areas deemed of special interest for achieving this purpose.

Rule 58: Resolutions creating special mechanisms

1. The decisions for the establishment of a special mechanism and grounds for the decision will be expressed in a resolution adopted by the Committee in which the following will be recorded:
 - a. the definition of the conferred mandate, including its functions and scope; and
 - b. the description of the activities to be carried out and the methods of planned financing to defray them.
2. The mandates will be evaluated periodically and will also be subject to review, renewal, or termination.

Rule 59: Procedure of selecting special mechanisms

1. In selecting an individual for a special mechanism, the Committee shall ensure that there is:
 - a. a public competition to fill the vacancy, which

publicises the criteria to be employed in the selection of candidates, the appropriate background for the position, and the applicable resolution by the Committee establishing the procedures for the selection;

- b. affirmative vote of a simple majority vote of members of the Committee and an announcement publicising the grounds of the decision.

Rule 60: Conflict of interest

1. Prior to the appointment process, and during the exercise of their functions, a member of a special mechanism must disclose to the Committee any interest which may be considered to be in conflict with the mandate of the special mechanism.

Rule 61: Period for serving in special mechanisms

1. Special mechanism shall serve for a period of two years, renewable once, unless the mandate of the special mechanism terminates earlier.
2. The Committee may, before the expiry of the term, decide to replace a member of a special mechanism for reasonable cause.

CHAPTER XII: REPORTS OF THE COMMITTEE

Rule 62: Activity Reports

1. The Committee shall annually submit to the Assembly of the African Union its reports on the

activities undertaken in the implementation of the African Charter and any other such reports as appropriate.

2. During its sitting the committee deliberates and adopts the report to be submitted by its Chairperson to the Assembly.
3. Once the Activity Report has been considered by the Assembly, the Secretariat shall publish it on the website of the Committee and transmit it to States Parties, African Union organs, national and specialized human rights institutions and civil society organizations.

Rule 63: Mission reports and activity reports of individual Members of the Committee

1. Upon completion of a mission, the Secretariat shall, within thirty (30) days, prepare a mission report and send the same to the concerned Members of the Committee for review and approval, which shall be done in fifteen (15) days.
2. Once approved by the concerned Members of the Committee, such report, unless otherwise treated confidential, shall be sent to the Member State concerned and published on the Committee's website.
3. Every member of the Committee shall submit a written report on the activities undertaken in the period between two sessions and present the same in a public session.
4. Reports, decisions, and session documents of the

Committee shall be published on its website unless the Committee decides otherwise.

Rule 64: Session Reports

1. The Secretary shall prepare a report of the proceedings of each session of the Committee.
2. The final report of the Open Session shall be made available to the general public by posting on the website of the Committee adopted by the Committee unless the Committee decides otherwise.
3. The final report of the Closed Sessions of the Committee shall be distributed to the members of the Committee.

Rule 65: Other reports

1. The Committee, or its subsidiary bodies, may issue for general distribution other reports on its activities. The Committee may also issue reports for general distribution in order to highlight specific problems in the field of the rights and welfare of the child.

Rule 66: Distribution of reports and other official documents

1. Reports and decisions of the Committee and session documents and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.
2. Reports and additional information submitted by States Parties, pursuant to Article 43 of the African Children's Charter and Rules 68 of the present Rules of Procedure,

- shall be documents for general distribution.
3. Reports and information provided to the Committee by the organs and institutions of the African Union, United Nations bodies, intergovernmental and non-governmental organisations shall be distributed to parties concerned and the general public, if so decided by the Committee.
 4. The Secretariat shall ensure the publication of such reports and documents for general distribution on the website of the Committee

CHAPTER XIII: PROTECTION MANDATE OF THE COMMITTEE

Rule 67: Matters of urgency

1. In cases of serious or massive child rights violation which presents a danger of an irreparable harm or requires urgent action to avoid irreparable harm, the Committee may issue letters of urgent appeals to the concerned Member States.
2. When a situation of urgency arises during a session of the Committee, the decision to treat it as such shall be taken by the Committee.
3. When a situation arises during the Committee's inter-session period, the decision to treat it as a matter of urgency shall be taken by the Bureau of the Committee, which shall keep other Members of the committee informed and present a report on the situation at the next session of the Committee.
4. When the Committee decides to treat the matter as urgent matter, it may also decide to draw the attention

of the Chairperson of the AU, the Executive Council, the Peace and Security Council or any other relevant Organs of the Union.

CHAPTER XIV: STATE REPORTING

Rule 68: Content, format and period of State Reports

1. Each State Party shall submit a report to the Committee in conformity with Article 43 of the African Charter and reporting guidelines of the Committee. Reports shall indicate the measures taken to ensure the implementation of the provisions of the African Children's Charter and progress achieved as well as the challenges faced, if any, affecting the implementation of the Charter.
2. The Committee shall indicate to States Parties, through the Guidelines on State Party Reporting, the format of the reports and other related information to be communicated.
3. A State Party shall submit its initial report within two years of the entry into force of the African Charter for the State Party concerned and thereafter periodic reports every 3 years as well as complementary reports and information requested by the Committee during the period between the two reports.

Rule 69: Transmission of state reports

1. The Secretary in consultation with the Chairperson of the Committee may send copies of State Party Reports, in whole or in part, relating to their areas of competence, including but not limited to the following:
 - a. Specialized agencies and bodies of the United

- Nations system,
 - b. African regional and sub-regional institutions concerned,
 - c. National human rights institutions with associate status,
 - d. National and international non-governmental organizations with Observer status with Committee.
2. The Secretary shall inform interested parties under paragraph 1 the State Party reports that should be examined at each Ordinary Session of the Committee. These institutions may submit any information or complementary reports on the situation of the rights and welfare of the child in the State Party concerned.
 3. The Secretary may also invite specific institutions to submit information relating to the State Party Report within a time limit that he/she may specify.

Rule 70: Attendance by States Parties at the examination of reports

1. State Parties shall be represented in sessions of the Committee at which their reports are to be examined.
2. The Committee shall notify the States Parties, as early as possible, of the opening date, duration and venue of the session at which their respective reports shall be examined at least 60 days prior to the examination of the report.
3. A State Party whose report is due for consideration shall designate a delegation comprising of persons from the relevant Government Organs to participate in the session for the purpose of presenting the report and responding to questions of the Committee

and furnishing any relevant information that may be required. If a State party is unable to send a representative to the Session, it shall notify the Committee at least 30 days prior to the opening of the Session.

4. If a State party fails to send a representative to the session of the Committee at which its report is to be examined upon such notification, consideration of the report shall be rescheduled for the next session. If, at such a subsequent session, the State party, after due notification, fails to have a representative present, the Committee shall proceed with the examination of the state report in the absence of a representative of the State party.

Rule 71: Examination of reports

1. When considering a report submitted by a State party under Article 43 of the African Charter, the Committee shall make sure that the report provides all the necessary information including relevant legislation, policies and programs pursuant to the provisions of Rule 68 of these Rules of Procedure.
2. If the Committee considers a report submitted by a State party to the African Charter does not to contain adequate information, the Committee shall request the State party to furnish the additional information required, and indicate the date by which the information needed should be submitted.
3. During the consideration of the state report submitted by a State Party, the Committee shall explore all pertinent information relating to human rights situation in the State concerned, including statements and shadow

reports from national human rights institutions and non-governmental organisations.

Rule 72: Request for other reports or advice

1. The Committee may invite the African Union Organs and Institutions, the United Nations bodies, any intergovernmental or non-governmental organisation, in conformity with Article 42 of the African Children's Charter, to submit to it reports on the implementation of the Children's Charter and to provide it with expert advice in areas falling within the scope of their activities. The Committee may indicate, as appropriate, the time limit within which such reports or advice should be submitted.

Rule 73: Concluding Observations

1. At the conclusion of the examination of the report of a State Party, the Committee shall adopt Concluding Observations with a view to assisting the State Party concerned in implementing its obligations under the African Charter.
2. The Concluding Observations of the Committee on the report of a State Party shall include the following:
 - (a) An outline of the State's international obligations, its compliance with its obligations under the African Charter and its relationships with the Committee.
 - (b) Positive steps taken to implement the provision of the African Children's Charter in the State Party concerned;

- (c) Challenges affecting the implementation of the African Children's Charter;
 - (d) Principal areas of concern as well as key issues that need urgent attention and recommendations;
 - (d) Call for the implementation of recommendations and the wide dissemination of the concluding observations in the State party;
 - (e) A specific recommendation requesting that the State party, in its next periodic report provide information on the implementation of the Committee's concluding observations.
 - (f) The date of the presentation of the next periodic report by the State Party
2. The Concluding Observations shall be transmitted to the State Party concerned within 30 days after the Session at which the Concluding Observations were adopted. The Concluding Observations shall be made available to all interested parties and shall be posted on its website after the transmission of the report to the State Party concerned.
 3. The Committee shall also transmit to the Assembly and other relevant organs and institutions of the African Union, the Concluding Observations with copies of the reports it has received from the State Party as well as comments supplied by the latter, if any. The Concluding Observations shall also form part of the Committee's Activity Report.

Rule 74: Follow up on implementation of concluding Observations

1. Follow-up of Concluding Observations of the Committee shall constitute one of the core activities of its promotional

mandate. The Committee shall ensure the follow-up on the implementation of the recommendations from the Concluding Observations within the framework of its promotional activities.

2. The Committee shall establish a procedure for follow-up on measures taken by State Parties concerned in particular on those aspects of that require urgent attention and decide on the appropriate action to be taken.

Rule 75: Nonsubmission of reports

1. At each Ordinary Session, the Secretary of the Committee shall inform the Committee of all cases of nonsubmission of reports or complementary information required in conformity with Article 43 of the African Charter.
2. The Committee shall address to the State Party concerned, through the Chairperson of the African Union Commission, a reminder regarding the submission of these reports or complementary information and shall undertake any other measures in a spirit of dialogue between the State concerned and the Committee.
3. If, despite the reminder and other measures referred to in paragraph 2 above, the State Party does not submit the required report or complementary information, the Committee shall consider the situation as it deems necessary and shall include a reference to this effect in its report to the Assembly of Heads of State and Government of the African Union.

CHAPTER XV: GENERAL COMMENTS, DAY OF GENERAL DISCUSSIONS AND RESEARCHES

Rule 76: General Comments

1. Pursuant to art 42 (c) a State Party, an institution of the African Union, any person or institution recognised by the African Union may request the Committee to interpret the provisions of the African Children’s Charter.
2. The Committee may prepare general comments on the basis of the Articles and provisions of the African Children’s Charter with a view to promoting its further interpretation and implementation, and assisting States parties in fulfilling their obligations to the realization of children’s rights. The Committee shall include such General Comments in its reports to the Assembly of the African Union.

Rule 77: Day of General discussion

1. In order to enhance a deeper understanding of the content and implications of the African Children’s Charter, the Committee may devote one or more parts of its regular sessions or other meetings to a day of general discussion on one specific Article of the Charter or thematic area of the African Children’s Charter.

Rule 78: Studies

1. In conformity with Article 42 of the Children’s Charter, the Committee may initiate and undertake studies on

children's rights issues in Africa.

2. The Committee may recommend to the Assembly of the African Union to request the Chairperson of the African Union Commission to undertake, on its behalf, studies on specific issues relating to the rights and welfare of the child.
2. The Committee may also invite partners and other bodies to undertake studies or to submit available studies on topics of relevance to the Committee

CHAPTER XVI RELATIONS WITH STATE PARTIES, AFRICAN UNION ORGANS OR INSTITUTIONS, INTERGOVERNMENTAL ORGANISATIONS, NATIONAL HUMAN RIGHTS INSTITUTIONS, NON-GOVERNMENTAL ORGANIZATIONS AND FUNDING PARTNERS

Rule 79: General Rules

Pursuant to art 42 (a) the Committee may cooperate with other African, international and regional institutions or organs concerned with the promotion and protection of the rights and welfare of the child.

Rule 80: Relations with State Parties

1. The Committee or its subsidiary bodies may invite any State party to participate in the discussion of any issue that shall be of particular interest to that State.
2. A State invited by the Committee under paragraph 1 shall have no voting right, but may submit proposals which may be put to a vote at the request of any member of the Committee or of the subsidiary body concerned.

3. State Parties may propose issues of particular interest to them included in the Provisional Agenda of the Ordinary Session of Committee, in accordance with Rule 33.
4. Pursuant to rule 26 of the present Rules, any State Party may submit a request to the Committee for convening Extraordinary Session on matters that require the urgent attention of the Committee.
5. A state party may host the sessions of the Committee Session in accordance with Rule 27.
6. State Parties shall provide the Committee with necessary reports and information under the African Children's Charter and the provisions of the present Rules.

Rule 81: Relations with African Union Organs, Institutions and Programs

1. The Committee, in fulfilling its mandate, shall establish formal relations of cooperation, including meetings as necessary, with relevant African Union organs, institutions and programs.
2. The Committee shall in particular establish a modality for cooperation with the African Commission and African Court on common areas of concern.
3. The Bureau of the Committee may, in addition, meet with the bureau of these organs, institutions and programs as often as may be required to ensure their good working relationship.
4. The Committee may request, when it sends its Activity Report to the Assembly, as it deems necessary, specific actions on the part of the Assembly in respect of implementation of any of its decisions, other than those related to communications.

5. The Committee shall bring all its recommendations to the attention of the Sub-Committee on the Implementation of the Decisions of the African Union of the Permanent Representatives Committee.
6. The Committee may transmit its Concluding Observations or recommendations arising from its decision on communications to the Pan-African Parliaments for follow-up.
7. The Committee may request the African Peer Review mechanism to take cognizance of its concluding observations while reviewing a state party or making recommendation in its final report.

Rule 82: Relations with intergovernmental organizations, Regional Economic Communities and Academic Institutions

1. United Nations bodies, other intergovernmental organisations, RECs and the Academia shall be represented in the open sessions of the Committee and its subsidiary mechanisms as may be invited by the Committee.
2. The Committee may permit representatives of these bodies to make oral or written statements to the Committee when the implementation of the African Children's Charter in relation to their mandates is being considered.
3. Pursuant to Articles 42(c) of the African Children's Charter and Rules 69 and 72 of the present Rules of Procedure, the Committee may invite these bodies to submit reports or furnish any information or expert advice on the implementation of the African Children's Charter in areas falling within the scope of their mandates.
4. The Committee may conclude agreements with

United Nations bodies, specialised agencies and intergovernmental organisations to take part in their activities and collaborate on areas of common concern.

Rule 83: Relations with National Human Rights Institutions

1. National Human Rights Institutions established by State Parties to the African Children's Charter and functioning according to internationally recognised norms and standards may be granted affiliate status with the Committee.
2. In determining the associate status of a National Human Rights Institution, the Committee shall apply the following criteria:
 - a) The National Human Rights Institution shall be duly established by law or constitution of a State party to the African Children's Charter;
 - b) The National Human Rights Institution shall conform to the United Nations Principles relating to the Status of National Human Rights Institutions, also known as the Paris Principles.
3. A National Human Rights Institution granted associate status shall:
 - a) Be invited to sessions of the Committee according
 - b) Shall be invited to have issues of particular interest to them included in the Provisional Agenda of the Committee, in accordance with Rule 33;
 - c) Participate, without voting rights, in deliberations on issues of common interest and to submit proposals which may be put to a vote at the request of any member of the Committee;

- d) Have access to the non-confidential documents of the Committee;
 - e) Submit reports to the Committee every two years on their activities in the promotion and protection of the rights and welfare of the child enshrined in the African Children's Charter and;
 - f) Assist the Committee in the promotion and protection of children's rights and welfare at national level;
 - g) Provide any reports, information or advice pursuant to Rules 68 and 71
4. The Committee may, where necessary, invite other National Human Rights Institutions that do not meet the criteria provided under paragraph 2 above to attend its session as observers.

Rule 84: Relations with non-governmental organizations

- I. Non-governmental organisations working in the field of children's rights and welfare, with objectives and activities in consonance with the principles and objectives enunciated in the African Children's Charter may be granted observer status with the Committee.
- II. A non-governmental organization applying for observer status shall comply with the principles and requirements laid down in the Criteria for Granting Observer Status adopted by the Committee.
- III. As prescribed under the Guidelines for Granting Observer Status, Non-governmental organisations with observer status shall enjoy the rights and perform duties stipulated in the Criteria for Granting Observer Status. In particular they shall:
 - a) Be invited to attend the sessions of the Committee

and may be authorised by the Chairperson of the Committee to make oral or written statements on issues of particular concern;

- b) Participate in the proceedings in a manner pursuant to the present Rules of procedure and may request to have issues of particular interest to them included in the Provisional Agenda of the Committee, in accordance with Rule 33
- c) Have access to the non-confidential documents of the Committee.
- d) Present activity reports to the Committee every 2 years;
- e) Establish relations of close co-operation with the Committee and to engage in regular consultations with it on all matters of common interest. Administrative arrangements shall be made, whenever necessary, to determine the modalities of this co-operation.
- h) Provide any reports, information or advice pursuant to Rules 69 and 72.

IV. The Committee reserves the right to take the following measures against non-governmental organizations that are in default of their obligations contained in paragraphs 3 this Rule and the Criteria for Granting Observer Status.
:

V. Observer status may be suspended or withdrawn from any organisation that no longer fulfills the criteria provided by the Committee in its Criteria for Granting Observer Status.

Rule 85 Relations with Funding Partners

I. The Bureau of the Committee may negotiate

financial agreements with funding partners, which shall be signed by the Chairperson on behalf of the Committee. Original copies of such agreements shall be kept at the Secretariat of the Committee and copies shall also be deposited with the African Union Commission.

- II. The Committee shall inform the African Union Commission of any proposal to accept funds from any funding partner including details of the amount of money to be provided, the project or projects for which the funds are sought and any condition of receipt of such funding.
- III. Such agreements shall specify activities, expected outcomes, monitoring and evaluation of the project funded by the donor.
- IV. The Secretariat shall prepare and submit reports on the implementation of the agreement to the Committee at each Ordinary Session.
- V. The Committee may invite funding partners to attend its sessions.
- VI. The African Union Commission financial rules shall apply in cases of such financial agreements.

Chapter XVII FINAL PROVISIONS

Rule 86: Interpretation

1. The Committee shall reserve the power to interpret the present Rules of Procedure in accordance with the spirit and principles of the African Children's Charter. For the purpose of the interpretation of the present Rules, the headings are for reference purposes only

and do not form part of the Rules.

Rule 87: Amendments

These Rules of Procedure may be amended by a decision of the Committee through simple majority vote.

Rule 88: Entry into force of the Rules of Procedure

The present Rules shall enter into force three months after their adoption by the Committee.

89: Non-retroactivity

The present Rules shall not have any retrospective effect.

2

Guidelines on the form, content and Consideration of Initial and Periodic State Party Reports

Adopted during the 35th Ordinary Session of the
ACERWC, in September 2020.

General

These guidelines present the forms, contents and procedures which need to be fulfilled with regard to the State Party reporting mechanism in accordance with Article 43 of the African Charter on the Rights and Welfare of the Child. Divided in four sections, the Guidelines prescribe provisions on the following processes:

Section I- Guidelines on the Form and Content of Initial State Party Reports

Section II- Guidelines on the Form and Content of Periodic State Party Reports

Section III- Procedure for Consideration of State Party Reports

Section IV- Miscellaneous

SECTION I- GUIDELINES ON THE FORM AND CONTENT OF INITIAL STATE PARTY REPORTS

I. INTRODUCTION

1. Article 43, paragraph 1, of the African Charter on the Rights and Welfare of the Child (Children’s Charter) states that:

“Every State Party to the present Charter shall undertake to submit to the Committee through the Secretary-General of the Organization of African Unity, reports on the measures they have adopted which give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights.

- (a) within two years of the entry into force of the Charter for the State Party concerned; and
- (b) thereafter, every three years.

2. Article 43, paragraph 2, further states that:

“Every report made under this Article shall:

- (a) contain sufficient information on the implementation of the present Charter to provide the Committee with comprehensive understanding of the implementation of the Charter in the relevant country; and
- (b) shall indicate factors and difficulties, if any, affecting the fulfilment of the obligations contained in the Charter.

3. The African Committee of Experts on the Rights and Welfare of the Child (the Committee) believes that the process of preparing a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonize national

law and policy with the Children's Charter and to monitor progress made in the enjoyment of the rights set forth in the Children's Charter. Additionally, the process should be one that encourages and facilitates popular participation, national introspection and public scrutiny of government policies and programmes, private sector practices and generally the practices of all sectors of society towards children.

4. The Committee further considers that the reporting process entails an ongoing reaffirmation by States Parties of their commitment to respect and ensure observance of the rights set forth in the Children's Charter and serves as the essential vehicle for the establishment of a meaningful dialogue between the States Parties and the Committee.

5. The Committee intends to formulate guidelines for the preparation of periodic reports that are to be submitted pursuant to Article 43 of the Children's Charter in due course.

6. Reports should be accompanied by copies of the principal legislative and other texts as well as detailed statistical information and indicators referred to therein, which will be made available to members of the Committee. It should be noted, however, that for reasons of economy they will not be translated or reproduced for general distribution. It is desirable, therefore, that when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to those texts.

7. The provisions of the Children's Charter have been grouped under different sections, equal importance being attached to all the rights and welfare recognized by the

Children's Charter.

II. GENERAL MEASURES OF IMPLEMENTATION

8. Under this section, States Parties are requested to provide relevant information pursuant to Article 1 of the Children's Charter, including information on:

- a) necessary steps undertaken, in accordance with their Constitutional processes and with the provisions of the Children's Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of the Children's Charter.
- b) measures taken to realize the rights and welfare of the child in the law of the State Party or in any other international convention or agreement in force in that State.
- c) measures taken to promote positive cultural values and traditions and to discourage those that are inconsistent with the rights, duties and obligations contained in the Children's Charter.
- d) existing or planned mechanisms at the national or local level for coordinating policies relating to children and for monitoring the implementation of the Children's Charter.

9. In addition, States are requested to describe the measures that have been taken or are foreseen to:

- a) make the principles and provisions of the Children's Charter widely known to adults and children alike;
- b) widely disseminate their reports to the public at large in their own countries.

III. DEFINITION OF THE CHILD

10. States Parties are requested to provide information, in conformity with Article 2 of the Children’s Charter, regarding the definition of a child under their laws and regulations.

IV. GENERAL PRINCIPLES

11. Relevant information, including the principal legislative, judicial, administrative or other measures in force or foreseen; factors and difficulties encountered and progress achieved in implementing the provisions of the Children’s Charter, and implementation priorities and specific goals for the future should be provided in respect of:

- a) Non-discrimination (Articles 3 and 26)
- b) Best interests of the child (Article 4)
- c) The right to life, survival and development (Article 5)
- d) Respect for the views of the child (Article 7)
- e) Provision of information to children and promotion of their participation (Articles 4, 7 and 12)

12. In addition, States Parties are encouraged to provide relevant information on the application of these principles in the implementation of articles listed elsewhere in these guidelines.

V. CIVIL RIGHTS AND FREEDOMS

13. Under this section, States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors

and difficulties encountered and progress achieved in implementing the relevant provisions of the Children’s Charter and implementation priorities and specific goals for the future in respect of:

- a) Name, nationality, identity and Registration at birth (Article 6)
- b) Freedom of expression (Article 7)
- c) Freedom of thought, conscience and religion (Article 9)
- d) Freedom of association and of peaceful Assembly (Article 8)
- e) Protection of privacy (Article 10)
- f) Protection against child abuse and torture (Article 16)

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

14. Under this section, States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force, particularly how the principles of the “best interests of the child” and “respect for the views of the child” are reflected therein: factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children’s Charter and implementation priorities and specific goals for the future in respect of:

- a) Parental guidance (Article 20)
- b) Parental responsibilities (Article 20.1)
- c) Separation from parents, separation caused by State Party, separation caused by internal displacement arising from armed conflicts, (Articles 19.2&3 civil strives, or natural disasters and 25)
- d) Family reunification and children deprived of a family environment (Article 25.2(b))
- e) Maintenance of the child (Article 18.3)

- f) Adoption and periodic review of placement (Article 24)
Abuse, neglect, exploitation including physical and psychological recovery and social integration (Articles 16 and 27)

15. In addition, States Parties are requested to provide information on the numbers of children per year within the reporting period in each of the following groups, desegregated by age group, sex, ethnic or national background and rural or urban environment: homeless children, abused or neglected children taken into protective custody, children placed in foster care, children placed in institutional care, children placed through domestic adoption, children entering the country through inter-country adoption procedures and children leaving the country through inter-country adoption procedures.

16. States Parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

VII. HEALTH AND WELFARE

17. Under this section, States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures particularly programmes and projects, etc.; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter, in respect of:

- a) Survival and development (Article 5)
- b) Children with handicap (Article 13)
- c) Health and health services (Article 14)
- d) Social security and child-care services and facilities (Article

20.2(a-c))

e) Care for orphans (Article 26)

18. In addition to information provided under paragraph 8(d) of these guidelines, States Parties are requested to specify the nature and extent of cooperation with local, national, regional and international organisations, concerning the implementation of this area of the Children's Charter. States Parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

19. Under this section, States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures such as projects, programmes etc.; the institutional infrastructure for implementing policy in this area, particularly

monitoring strategies and mechanisms; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter, in respect of:

a) Education, including vocational training and guidance (Article 11)

b) Leisure, recreation and cultural activities (Article 12)

20. In addition to information provided under paragraph 8(d) of these guidelines, States Parties are requested to specify the nature and extent of cooperation with local, national, regional and international organisations, concerning the implementation of this area of the Children's Charter. States

Parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

IX. SPECIAL PROTECTION MEASURES

21. Under this section, States Parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures such as projects, programmes etc.; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter and implementation priorities and specific goals for the future in respect of:

- a) Children in situations of emergency:
 - (i) Refugee, returnee and displaced children (Articles 23 & 25)
 - (ii) Children in armed conflicts, including specific measures for child protection and care (Article 22)

- b) Children in conflict with the law:
 - (i) The administration of juvenile justice (Article 17)
 - (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting and compliance with the provisions of Article 5(3) of the Children's Charter prohibiting death sentences on children (Article 17.2(a))
 - (iii) Reformation, family reintegration and social rehabilitation (Article 17.3)

- c) Children of imprisoned mothers:
 - (i) Special treatment to expectant mothers and to mothers of infants and young children who have been found guilty by law (Article 30)
 - (ii) A mother shall not be imprisoned with her child (Article 30(d))
 - (iii) Reformation, integration of the mother into the family

and social rehabilitation (Article 30(f))

- d) Children in situations of exploitation and abuse:
 - (i) Economic exploitation including Child Labour (Article 15)
 - (ii) Drug abuse (Article 28)
 - (iii) Abuse and torture (Article 16)
 - (iv) Sexual exploitation and sexual abuse (Article 27)
 - (v) Other forms of abuse and exploitation such as begging, early pregnancy, etc. (Article 29(b))
 - (vi) Sale, trafficking and abduction (Article 29)

- e) Children victims of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child:
 - (i) Betrothal of girls and boys (Article 21.2)
 - (ii) Early and forced marriage (Article 21.2)
 - (iii) Any form of female genital mutilation (Article 21.1(a))
 - (iv) Any other form of harmful social and cultural practices (Article 21.1(b))

- f) Children belonging to a minority groups (Article 26)

- g) Children who need special protection on account of being in risky or vulnerable conditions and situations such as street children or HIV/AIDS orphans (Article 26)

- h) Any other emerging or unforeseen problem (Article 26)

22. Additionally, States Parties are encouraged to provide specific statistical information and indicators relevant to the children covered by paragraph 21.

X. RESPONSIBILITIES OF THE CHILD

23. Under this section, States Parties are requested to provide relevant information, including the principal practices, legislative, judicial, administrative and other specific measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of Article 31 of the Children's Charter. The Child's duty:

- a) towards the parents, the family and the community; (Article 31)
- b) towards the superiors; (Article 31)
- c) towards the State and the Continent. (Article 31)

XI. SPECIFIC PROVISIONS FOR THE REPORTING PROCESS

24. A State Party that has already submitted to the UN Committee on the Rights of the Child a report based on the provisions of the CRC may use elements of that report for the report that it submits to the Committee as required by the Children's Charter. The report shall, in particular, highlight the areas of rights that are specific to the Children's Charter.

25. The report must specify the action taken by the State Party in response to any recommendations made to it by the Committee and/or the UN Committee on the Rights of the Child.

26. The report should not exceed 35,000 words or 120 pages.

27. The State Party that submitted its initial report overdue

could benefit as an exceptional measure, and in order to assist the State Party to fully comply with its obligations under the Charter, to submit its periodic reports in a single document before the date on which the next periodic report is due.

SECTION II- GUIDELINES ON THE FORM AND CONTENT OF PERIODIC STATE PARTY REPORTS

A. Introduction

1. Pursuant to article 43 of the African Charter on the Rights and Welfare of the Child (the Charter), each State Party has undertaken to submit reports on the measures it has adopted to give effect to the provisions of the Charter and on the progress made in the enjoyment of the rights guaranteed under the Charter. The initial report is due within two years of the entry into force of the Charter for the State Party concerned, and thereafter, every three years for the periodic reports.

2. These guidelines are intended to guide State Parties in fulfilling their reporting obligations. It contains directions on what format periodic reports should take and on what information should be included in the reports. The guidelines relating to the content of the reports are meant to ensure that State Parties provide the African Committee on the Rights and Welfare of the Child (the Committee) with a comprehensive understanding of the implementation of the Charter in State Parties. The Guidelines highlight and emphasize on the specificities of the Charter and the peculiarities of the African continent and its children. Section II of these Guidelines apply to periodic reports that are submitted every three years.

3. State reporting is an integral and important part of the mechanism for monitoring implementation of and compliance with international and regional human rights treaties. The Committee conceives the state reporting process established under the Charter as a non-adversarial process that is based

on the principle of constructive dialogue and for the ultimate benefit of the State Parties. The reporting process is designed to provide State Parties with the opportunity for self-reflection and assessment on the extent to which the rights guaranteed under the Charter are enjoyed in practice.

4. The periodic report submitted to the Committee under article 43(1)(b) of the Charter should cover the period between the consideration of the initial report or the previous periodic report of the State Party and the submission of the current report.

5. State Parties may use the information contained in their reports submitted to the United Nations Committee on the Rights of the Child (The UN Committee) and the African Commission on Human and Peoples' Rights (The African Commission) in the preparation of their reports under the Charter. Such information should be used only to the extent of relevance and upon been tailored for reports under the Charter. In particular, State Parties should not simply duplicate information contained in their reports to the UN Committee without assessing the relevance to and compatibility of that information with the particular requirements of the Charter and these guidelines.

B. Format of reports

6. The report should be presented in a concise and structured manner. A simple and free flowing language should be adopted. The periodic report should not exceed 80 pages or 35, 000 words. This page and/or word limit does not apply to documents (e.g. legal texts) attached to the report.

7. It is recommended that the report be accompanied by copies of the relevant provisions of the principal legislative, judicial, administrative and other texts referred to in the report, where these are available in a working language of the African Union.

8. The report should indicate the meaning of all abbreviations used in it, especially when referring to laws, national institutions, organizations, etc., that are not likely to be readily understood outside the state party.

9. The report should be submitted in one of the official languages of the African Union

C. Drafting of reports

10. The State Party should outline the process of drafting and adopting the report. The report should indicate which government agency has the overall responsibility for the coordination of the drafting process and the role played by state and non-state actors in the process. The Committee emphasizes that the drafting process should be consultative and inclusive, and in particular, children and child-led initiatives (e.g. Youth or Child Parliament, Child Rights Clubs, etc.) should be actively involved. As such, the report should outline the role played by relevant government agencies, civil society organizations, children and child-led initiatives and other non-state actors in the drafting process.

D. Content of reports

11. In accordance with article 43(2) of the Charter,

every report should contain sufficient information on the implementation of the Charter within the State Party and indicate factors and difficulties, if any, affecting the fulfillment of the obligations contained in the Charter. The State Party should provide this information according to the thematic clusters identified by the Committee in these guidelines.

12. The information provided by the State Party regarding the implementation of each provision should make specific reference to the previous concluding observations and recommendations of the Committee and include details on how the recommendations have been implemented or addressed in practice. Where a previous recommendation has not been implemented or addressed, the State Party should explain the reason for non-implementation and provide details on how and within what period the recommendation will be complied with.

13. The information provided by the State Party regarding the implementation of each provision should include statistical information and data disaggregated according to relevant criteria including age, sex, and disability. The State Party should highlight and comment on important changes that have occurred over the reporting period. Statistics should be submitted as a separate annex to the periodic report.

I. General information about the State Party

14. According to article 43(3) of the Charter, a State Party which has submitted a comprehensive first report to the Committee need not, in its subsequent reports, repeat the basic information previously provided. Thus, in this section, the State Party should strictly limit the general information regarding itself, and particularly its structure and mode of

governance, to significant changes that occurred during the reporting period.

II. General measures of implementation (art. 1(1))

15. Under this cluster, the State Party should provide relevant and updated information regarding the measures it has taken or those anticipated to be taken to implement article 1(1) of the Charter, concerning the measures taken to recognize and give effect to the rights, freedoms and duties enshrined in the Charter. In particular, the State Party should provide updated information on:

a) Constitutional, Legislative and policy framework for the promotion and protection of the rights and welfare of the child: The State Party should indicate changes in the constitutional, legislative and policy framework that have occurred during the reporting period and especially those changes that have an impact on the enjoyment of rights under the Charter. The State Party should also provide information on:

- Whether or not the Charter can be invoked in its courts of law, and if so, to what extent;
- The nature and extent of legal remedies available for violations of children rights; and
- Customary laws and regulations which impact on the enjoyment of child rights within its jurisdiction.

b) Institutional framework for the promotion and protection of the rights and welfare of the child: The State Party should indicate which government agencies are involved in the implementation of the Charter and which one of these has the overall responsibility for monitoring and

coordination of such implementation. The State Party should indicate whether a specific body is responsible for receiving individual complaints from children and their representatives. The State Party should also provide information on whether or not it has established a national human rights institution (NHRI), and if so, the role played by the NHRI in promoting and protecting child rights. The State Party should provide contact details of institutions mentioned under this clause.

c) Budgetary allocation and actual expenditure: The State party should indicate the amount of resources allocated to programmes and activities that are relevant to child rights and the actual expenditures incurred in that regard.

d) Cooperation with non-state actors: The State Party should provide information on its cooperation with non-state actors, including non-governmental organizations, children's and youth groups, UN agencies, Faith Based Organizations, business and private sector, and traditional systems of governance (e.g. village councils) and the extent to which they are involved in the planning and monitoring of the implementation of the Charter.

e) Implementation of the decisions of the Committee and other relevant regional bodies: Where applicable, the State Party should provide information on its compliance with or implementation of:

- A decision of the Committee made in a communication determined by pursuant to article 44 of the Charter;
- A recommendation of the Committee made following an investigative or fact-finding mission; and
- A decision of the African Commission on Human and Peoples' Rights and/or the African Court on Human and Peoples' Rights in which child rights are involved.

f) Implementation of relevant programmes, action

plans and policies of the African Union: The State Party should provide information on its compliance with or implementation of

- g) African Union programmes and action plans involving child rights, including but not limited to:
- Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa (CARMA);
 - Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children; and
 - Abuja Call for Accelerated Action Towards Universal Access to HIV and AIDS, Tuberculosis and Malaria Services in Africa.

h) Dissemination of the Charter and previous concluding observations of the Committee: The State Party should provide information demonstrating its efforts to make the Charter and the previous concluding observations of the Committee widely available to relevant stakeholders and the public at large.

16. The State party should provide data on the following:

a) Allocation of resources and actual expenditures during the reporting period for social services for:

- Family and/or child allowances;
- Health services, in particular primary health services;
- Early childhood development;
- Education, in particular primary and secondary education; and
- Child protection measures, including prevention of violence, child labour, sexual exploitation, and rehabilitating programmes.

b) Training for professionals working with and for children,

including judicial personnel, law enforcement personnel, teachers, health-care personnel and social workers.

III. Definition of a child (art. 2)

17. In this section the State Party should provide information demonstrating conformity with article 2 of the Charter, concerning the definition of a child under its laws and regulations. If under a particular law or regulation the definition of a child does not conform with that of the Charter, the State Party should explain the reason for such non-conformity and the measures taken to bring that law or regulation into conformity with the Charter.

18. The State Party should provide data, disaggregated as described in paragraph 13 above, on the number and proportion of children living in the State Party.

IV. General principles (arts. 3, 4, 5, and 26)

19. Under this cluster, the State Party should provide relevant information on:

a) Non-discrimination (art. 3 and 26): The State Party should provide information on measures taken to prevent discrimination and to ensure equal and full enjoyment of the rights and freedoms recognized and guaranteed in the Charter, especially on children in disadvantaged situations including the girl child, children with disabilities, children belonging to minority and indigenous groups.

b) Best interests of the child (art. 4): The State party should provide information demonstrating whether and how the principle of the best interests of the child is secured in

practice. .

c) The right to life, survival and development (art. 5): The State Party should provide information on measures taken to ensure that every child has an inherent right to life and that this right is protected by law. Information should also be provided on measures taken to guarantee that the death sentence is not pronounced for crimes committed by children.

d) Respect for the views of the child (art. 4): The State Party should provide information on whether and how the principle of respect for the views of the child are taken into consideration in judicial and administrative proceedings affecting a child who is capable of communicating his or her own views.

20. The State Party should further provide relevant information on the application of these principles in the implementation of the other provisions of the Charter.

21. The State Party should provide data, disaggregated as described in paragraph 13 above, on:

a) The death of children as a result of illnesses such as malaria, HIV/AIDS, tuberculosis, polio, hepatitis and acute respiratory infections;

b) The death of children as a result of causes such as unlawful killings (extrajudicial, summary or arbitrary executions), capital punishment, traffic or other accidents, crime and other forms of violence;

c) The death of children as a result of harmful cultural practices (such as traditional rituals and sacrifice); and

d) The number of child and youth organizations or associations and the number of members they represent.

The State Party should also provide the number of children who have been heard under judicial and administrative proceedings, including information on their age.

V. Civil rights and freedoms (arts. 6-10 and 16)

22. Under this cluster, the State Party should provide relevant and updated information on:

a) Name and nationality (art. 6): Taking into account the Committee's General Comment No. 2 on Name and Nationality, the State Party should provide information on:

- The mechanisms it has put in place to ensure that all children are registered immediately after birth, including the role of faith based organizations and traditional structures of governance;
- The measures it has taken to remove social, economic and cultural barriers that hinder the registration of children immediately after birth;
- The measures it has taken to ensure that children who are not registered immediately after birth are registered soon thereafter and/or without unreasonable delay; and
- Whether its laws recognize the principles according to which a child acquires nationality of the state in the territory of which he or she has been born.

b) Freedom of expression (art. 7): The State Party should provide information on whether a child capable of communicating his or her own views is assured of the right to express and disseminate his opinions freely in all matters.

c) Freedom of association ((art. 8): The State Party should provide information on whether children under its

jurisdiction are afforded the right to free association and freedom of peaceful assembly.

d) Freedom of thought, conscience and religion (art. 9): The State Party should provide information on whether children enjoy in practice the right to freedom of thought, conscience and religion.

e) Protection of privacy (art. 10): The State Party should provide information on measures taken to ensure children are not subjected to arbitrary or unlawful interference with their privacy.

f) The right not to be subjected to torture (art. 16): The State party should provide information on:

- Legislative, administrative, social and educational measures taken to protect children from all forms of torture, inhuman or degrading treatment. In particular, the State Party should indicate whether it has outlawed corporal punishment in all settings.
- Whether it has established special monitoring units to provide necessary support for children and for those who have the care of the child.

23. The State Party should provide data, disaggregated as described in paragraph 13 above, on:

a) The number and percentage of children who are registered after birth, and when such registration takes place, with further details on:

- The number and percentage of refugee children and children seeking asylum who are registered after birth; and
- The number of children who are stateless.

b) The number of birth registration centers particularly in rural and inaccessible areas.

- c) The number of schools equipped with information technologies (such as computer labs).
- d) The number of children reported as victims of torture and other cruel, inhuman or degrading treatment or other forms of punishment.
- e) The number of court cases instituted against alleged perpetrators of torture against children and the results of these cases.
- f) The number of recognized children organizations or groupings.

VI. Economic, social and cultural rights (arts. 11-12 and 14)

24. Under this cluster, the State Party should provide relevant and updated information regarding laws, policies, financial and human resources, and other relevant indicators on the implementation of the following socio-economic rights:

- a) Education (art. 11): The State Party should provide updated information on measures taken to ensure full realization of the right to education and in particular on the following:
 - The aims and objectives for which the State Party's educational policy and curriculum have been designed to foster and achieve;
 - Measures taken to provide early childhood education and pre-primary schooling;
 - Measures taken to provide free and compulsory basic education;
 - Measures taken to progressively make secondary education free and accessible to all;

- Measures taken to make vocational and higher education accessible to all on the basis of capacity and ability;
- Measures taken to encourage regular attendance and retention at schools and the reduction of drop-out rates (e.g. school feeding programmes and provision of sanitary towels to girls);
- Special measures taken to ensure equal access to education for all sections of the community especially for female children, children with disabilities and children belonging to minority and indigenous groups;
- Measures taken to ensure that a child who is subjected to school or parental discipline is treated with humanity and respect; and
- Measures taken to ensure girls who become pregnant before completing their education have an opportunity to continue with their education.

b) Leisure, recreational and cultural activities (art. 12): The State Party should provide relevant and updated information on measures taken to ensure children's full participation in leisure, recreational and cultural activities. The State Party should particularly provide information regarding the equal and full enjoyment of these rights by children belonging to minority and indigenous groups.

c) Health and Welfare (art. 14): The State Party should provide relevant and updated information on the measures taken to ensure every child enjoys the best attainable state of physical, mental and spiritual health. In particular, the State Party should provide information on the following:

- Measures taken to reduce infant and child mortality;

- Measures taken to ensure access to health and health services, in particular primary health care;
- Measures taken to ensure the provision of adequate nutrition and safe drinking water;
- Measures taken to ensure appropriate health care for expectant and nursing mothers, and particularly measures taken to prevent transmission of HIV from mother to child;
- Measures taken to ensure the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of basic service programmes for children;

25. In respect to the right to education, the State Party should provide data, disaggregated as described in paragraph 13 above, on:

- a) Literacy rates of children and adults;
- b) Gross and net enrollment and attendance rates for primary and secondary schools and vocational training centers;
- c) Retention, completion and transition rates and percentage of dropout for primary and secondary schools and vocational training centers; and
- d) The average teacher-pupil ratio, with an indication of any significant regional or rural/urban disparities.

26. In respect to the right to health, the State Party should provide data, disaggregated as described in paragraph 13 above, on:

- a) The rates of infant and child mortality;
- b) The percentage of households without access to hygienic sanitation facilities and access to drinking water;

- c) The percentage of one-year-olds fully immunized for tuberculosis, diphtheria, pertussis, polio and measles;
- d) The proportion of pregnant women who have access to, and benefit from, prenatal and post-natal health care;
- e) The proportion of pregnant women provided with HIV Prevention-of-Mother-to-Child-Transmission (PMCT) services and the percentage of children born with HIV.

VII. Family environment and alternative care (arts. 18-20 and 24)

27. Under this cluster, the State Party should provide relevant and updated information, including on the principal legislative, judicial, administrative or other measures in force, on the following aspects relating to family environment and alternative care:

- a) Protection of the family (art. 18): The State Party should provide information on parents' common responsibilities during marriage and on the measures taken to ensure necessary protection of the child following dissolution of marriage.
- b) Parental care and protection (art. 19): The State Party should provide information on measures taken to ensure necessary protection of the child in case of separation from one or both parents.
- c) Parental responsibilities (art. 20): The State Party should provide information on measures taken to:
 - assist parents and other persons responsible for the child in the performance of child-rearing and in case of need provide material assistance;
 - ensure development of institutions responsible for

providing care of children; and

- ensure that the children of working parents are provided with care services and facilities.

d) Adoption (art. 24): The State Party should provide information on the legislative, judicial and administrative measures taken to ensure both national and inter-country adoption are in the best interests of the child. The State party should also provide information on:

- Measures taken to encourage national or in-country adoption;
- Bilateral or multilateral arrangements or agreements it has concluded in respect to adoption matters, and particularly whether it has adopted the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption;
- Institutional machinery established to monitor the well-being of children in adoption, foster care and other systems of alternative care; and
- Achievements and challenges of local and indigenous alternative care systems (such as *Kafalah* and kinship care) and the measures taken to ensure that such systems are in the best interest of the child and in compliance with the Charter.

28. The State should provide data, disaggregated as described in paragraph 13 above, on:

- a) The number of children separated from their parents as a result of court decisions;
- b) The number of institutions for hosting children without parental care and the number of children in these

institutions;

- c) The number of services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes;
- d) The number of institutions responsible for providing care of children and the number of children accessing these institutions; and
- e) The number of children in domestic and inter-country adoption

VIII. Protection of children in most vulnerable situations (arts. 13, 22-23 and 25)

29. Under this cluster, the State Party should provide relevant and updated information on the special measures it has taken to promote and protect the rights of children in most vulnerable situations, including:

- a) Children with disabilities (art. 13): The State Party should provide information on special measures taken in respect to children with disabilities. In particular, the State Party should provide information on:
 - Measures taken to ensure children with disabilities have effective access to education. The State Party should indicate the extent to which children with disabilities are mainstreamed in regular schools:
 - Measures taken to ensure children with disabilities have effective access to training, preparation for employment and recreational opportunities; and
 - Measures taken to ensure children with disabilities have

effective access to public highways, buildings and other places.

b) Children in situations of economic exploitation (art. 15): The State Party should provide relevant and updated information on measures, including legislative and administrative measures, taken to protect children from all forms of economic exploitation, in particular on:

- Whether the minimum ages for admission to every employment is provided through legislation;
- Whether appropriate regulation of hours and conditions of employment is provided;
- Whether appropriate penalties or other sanctions for non-compliance are provided; and
- The State Party should provide relevant and updated information on measures taken against the worst forms of child labor Efforts taken to disseminate information on the hazards of child labour to all sectors of the community.

c) Refugee Children, Children Seeking Asylum and Internally Displaced Children (art. 23): Under this section, the State Party should provide information on measures taken to:

- Provide access for children to procedures for determining refugee status, taking into account the special needs and rights of children;
- Provide protection and humanitarian assistance to refugee children, children seeking asylum and internally displaced children, including measures to facilitate family tracing and reunification and other protection measures for unaccompanied and separate children; and
- Cooperate with existing international organisations

which protect and assist refugees, asylum seekers and internally displaced persons.

d) Children in armed conflicts (art. 22): The State Party should provide information on:

- Measures taken to ensure that children do not take part in hostilities;
- Measures taken to protect children who are affected by armed conflicts including internal armed conflicts, tension and strife; and
- Measures taken to demobilize, disarm, reintegrate and rehabilitate (DDRR) children who have been involved in armed conflicts;

e) Children of imprisoned mothers (art. 30): Taking into account the Committee's General Comment No. 1 of Children of Incarcerated Mothers/Caregivers, the State Party should provide information on special treatment accorded to expectant mothers and to mothers of infants and young children who have been accused or found guilty of a criminal offence. In particular, information should be provided on:

- Whether there is preference for non-custodial sentence for such mothers under its laws and regulations;
- Whether measures alternative to institutional confinement for the treatment of such mothers have been established and are promoted;
- Whether special alternative institutions for holding such mothers have been established;
- Whether such mothers are imprisoned with their children; and
- Whether the death sentence can be imposed on such

mothers.

f) Children in situations of sexual exploitation (art. 27): The State Party should provide relevant and updated information on measures taken to protect the child from all forms of sexual exploitation and sexual abuse.

g) Children in situations of drug abuse (art. 28): The State Party should provide information on measures taken to protect the child from the use of narcotics and illicit use of psychotropic substances and to prevent the use of children in the production and trafficking of such substances.

h) Children in situations of sale, trafficking and abduction (art. 29): The State Party should provide relevant and updated information on measures taken to prevent the abduction, the pornography, the sale of, or traffic in children for any purpose and the use of children in all forms of begging.

i) Children in street situations: The State Party should provide information on measures taken to alleviate the plight of children in street situations, including information on their rehabilitation and reintegration into society.

30. The State Party should provide data, disaggregated as described in paragraph 13 above, on:

a) The number and percentage of children with disabilities. The data should be further disaggregated as follows:

- By the nature of disability;
- By the number of children with disabilities living in institutions, including institutions for children with mental disabilities, or outside their families, such as in foster care;
- The number of children with disabilities attending regular schools vis-à-vis those attending special schools and those not attending schools.

- b) The number of refugee children, children seeking asylum and internally displaced children. The data should be further disaggregated as follows:
- by country of origin and nationality
 - by accompanied and unaccompanied status
 - the number and percentage of such children attending national or public primary and secondary school and vocational training
 - the number and percentage of such children accessing health services and child protection or welfare services;
 - the number and percentage of children who have disappeared during or after the status of determination proceedings or processes.
- c) The number of children affected by armed conflicts including internal armed conflicts, tension and strife. The State Party should also provide statistics on the number of children who have been involved in armed conflicts accessing DDDR programmes.
- d) The number of children living in prison with their mothers and their average age.
- e) The number and percentage of children involved in child labour. The number of children in street situations should also be provided.
- f) The number of children involved in sexual exploitation, drug abuse, and trafficking, including the number of those who have benefited from rehabilitation programmes;

IX. Harmful practices (arts. 1(3) and 21)

31. Under this cluster, the State Party should provide relevant and updated information on:

- a) The nature, type and prevalence of harmful social and cultural practices within its jurisdiction;

- b) Measures taken to discourage and eliminate harmful social and cultural practices;
- c) Measures taken to rescue and rehabilitate children who have been subjected to or affected by harmful social and harmful practices;
- d) Where applicable, measures taken to specifically protect children with albinism from violence; and
- e) Whether child marriage and the betrothal of girls and boys are prohibited under its laws. Information should also be provided on:
 - Whether the State Party has taken effective action to specify the minimum age of marriage to be eighteen years; and
 - Whether it has made registration of all marriages in an official registry compulsory.

32. The State Party should provide data, disaggregated as described in paragraph 13 above, on:

- a) The number of children subjected to harmful cultural practices, including the number of those who have been rescued from such practices.
- b) The number of children in child marriages.

X. Child justice (art. 17)

33. Under this section, the State Party should provide relevant and updated information on the measures taken to ensure children accused or found guilty of a criminal offence are accorded special treatment, in particular on:

- a) Measures taken to ensure that children deprived of their liberty are not subjected to torture or any other form of physical or psychological violence;
- b) Measures taken to divert children from detention facilities;
- c) Whether children are separated from adults in their place of detention or imprisonment;
- d) Whether children accused of a criminal offence are afforded legal assistance and fair trial guarantees;
- e) Whether the press and the public are prohibited from the trial of children;
- f) Whether the minimum age below which children are presumed not to have the capacity to infringe the penal law is prescribed;
- g) Measures taken to train law enforcement, prison wardens and judicial officers on child justice; and
- h) Measures taken to ensure that children deprived of their liberty access essential services including education and health services.

34. The State Party should provide appropriate data, disaggregated as described in paragraph 13 above, including the type of crime, on:

- a) The number and percentage of cases involving children and in which legal or other assistance has been provided;
- b) The number and percentage of children who have been referred to diversion programmes;
- c) The number of children held in police stations or pretrial detention after having been accused of committing a crime reported to the police, and the average length of their detention;
- d) The number of institutions specifically for children

accused of infringing the penal law and the number of children in these institutions;

e) The number of children who have been found guilty of an offence by a court and sentenced to detention, and the average length of their detention;

f) The number of children detained in institutions where they are not separated from adults; and

g) The number of reported cases of abuse and maltreatment of children during their arrest and detention/imprisonment.

XI. Responsibilities of the child (art. 31)

35. Under this section, the State Party should provide information on measures taken to ensure the creation of an environment in which children are capable of performing the duties enumerated in article 31 of the Charter, and in particular the State Party should also provide information on:

a) Measures taken to ensure that the responsibilities of the child are performed within the ability and capability of the child and the child's rights are not violated in the process;

b) Measures taken to ensure that children are educated and informed of their responsibilities under the Charter; and

c) Whether the responsibilities of children are recognized under its legal and policy framework.

XII. Miscellaneous provisions

36. The State Party that has submitted its periodic report in arrears could benefit as an exceptional measure, and in order to assist the State Party to fully comply with its obligations under the Charter, to submit its periodic reports in a single document before the date on which the next periodic report is due.

SECTION III- PROCEDURES FOR THE CONSIDERATION OF STATE PARTY REPORTS

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (the Committee) was established in July 2001 pursuant to articles 32-45 of the African Charter on the Rights and Welfare of the Child (the Charter). One of the major roles of the Committee is to monitor the implementation and ensure the protection of the rights enshrined in the Charter. To this end, Article 43 of the Charter provides that State Parties to the Charter shall submit reports to the Committee on measures that they have adopted to give effect to the provisions of the Charter.

2. In accordance with article 38 of the Charter, the Committee shall establish its Rules of Procedure that under articles 42, 43, 44 and 45 of the Charter shall, among other things, define the mandate and procedure of the Committee in considering reports and information. The Committee has adopted detailed guidelines to assist State Parties in the preparation of their initial reports. Thus, the provisions of the Charter and the Rules of Procedure of the Committee, particularly Rules 65 to 81, constitute the basis of these procedures.

3. The purpose of these procedures is to outline in a systematic way the process for the submission of reports by State Parties and the consideration of these reports by the Committee.

II. PROCEDURE FOR SUBMISSION OF REPORTS

a) Obligations of State Parties in the Preparation of the Reports and Procedure to Follow

4. Under Article 43 of the Charter, State Parties undertake to submit to the Committee, through the Chairperson of the Commission of the African Union, reports on measures that they have adopted to implement the Charter, as well as progress made in the exercise of these rights:

- i) Within two (2) years of entry into force of the Charter for the State party concerned; and
- ii) Thereafter every three (3) years.

5. Reports submitted by State Parties are the bases for the Committee's evaluation of the degree to which the Charter is being implemented. The preparation of the report shall comply to the following objectives:

- Inform the Committee of the administrative, judicial and other measures that the Government has taken to implement the Charter. In this regard the Report shall:
 - i) Contain sufficient information on the implementation of the Charter
 - ii) Indicate factors and difficulties, if any, affecting the fulfilment of the obligations contained in the charter.

b) Reporting Schedules and Reminders

6. The Commission of the African Union (the Commission) shall prepare and maintain an up-to-date schedule indicating to all State Parties to the Charter, the status of their reporting to the Committee and the scheduled dates when their initial or

periodic reports are due.

7. This schedule shall be presented at each session of the Committee. Based on this schedule, the Committee shall, through the Chairperson of the Commission, periodically (every 6 months) send reminders to each of the State Party concerned whose report is due.

c) Receipt, Nomination of a Rapporteur for the State Party, Notification and Forwarding of State Party Reports

8. Upon receipt of a report from a State Party, the Commission shall write to the State Party concerned acknowledging receipt of its report. The Committee shall nominate one of its Members as Rapporteur for the State Party. The main tasks of the Rapporteur shall be to: analyse the report and supplementary information received from the State Party or other partners; establish a list of issues to be considered; draft the final observations or conclusions. The Commission shall forward the report to the Chairperson of the Committee as well as to the Rapporteur of the State Party concerned, within a month following the receipt of the report. All Committee Members shall receive notification regarding all reports submitted by State Parties to the Commission.

III. SCHEDULING OF CONSIDERATION OF STATE PARTY REPORTS

a) Order of Consideration of Reports

9. A schedule for consideration of State Party reports shall be prepared based on the chronological order of submission of the reports by the State Parties. However in circumstances

where both initial and periodic reports are submitted by different Member States and are pending consideration, priority shall be given to initial reports.

b) Notification to State Parties

10. The Committee shall, during its ordinary sessions, and based on the reports submitted, determine the dates for the consideration of the reports. The Committee shall, through the Chairperson of the AU Commission, notify the State Parties (at least two (2) months in advance) of the date, duration and venue of the session during which their respective reports shall be examined.

11. The State Party whose report is to be examined shall be invited, through its diplomatic representation, to present its report to the Committee.

12. For the purposes of having a constructive dialogue, the Committee shall exhort State Parties to designate Senior Officials, with decision-making powers on the issues of children's rights, to participate in the work of the Committee.

IV. PUBLICITY OF STATE PARTY REPORTS (Access to State Party reports)

13. Reports submitted by State Parties shall be treated as public documents. State Parties are strongly encouraged to adopt a participatory approach to the preparation of the reports and to publicize their reports to all relevant actors at national level. The Committee shall, as and when requested

avail the State Party reports to the RECS, Relevant AU and UN Specialized Agencies as well as relevant NGOs and Civil Society Organizations.

V. CONSIDERATION OF STATE PARTY REPORTS

a) Pre-Sessional Working Group

14. Prior to the session during which a State Party's report is to be considered, a pre-sessional working group will be convened to review the State Party report and identify issues for discussion with the State Party concerned as well as any additional information that may be necessary for a comprehensive consideration of the report.

15. The composition of the pre-sessional working group shall be determined by the Committee and participation in the pre-sessional working group shall be on invitation by the Committee. The Committee may also invite to the pre-sessional working group representatives of RECs, AU specialized Agencies, the United Nations Organs, NGOs and, Human Rights Institutions, CSOs as well as individuals, experts and professionals that have either submitted supplementary reports to the Committee or that the Committee finds relevant. The meetings of the pre-sessional working group shall be informal, confidential and closed.

16. In conformity with Rules 68 and 69 of the Rules of Procedure, at the end of the pre-session working group meeting, a "list of issues" that the Committee considers as priorities for discussion with the State Party will be produced and forwarded to the State Party concerned before the session in which its report is to be considered. In order to

facilitate efficiency during the meeting with the State Party, the Committee will request State Parties to submit written responses to the list of issues in advance.

17. In addition, pursuant to Rule 68 of its Rules of Procedure, the Committee may request for additional report and/or updated information prior to the session in which the State Party's report is to be considered, if in its opinion, a report submitted by that State Party does not contain sufficient information.

18. The Committee shall determine the date by which the written responses or the additional information by State Parties should be submitted so as to enable enough time for their translation into the working languages of the Committee/AU. The pre-session Working Group shall meet soon after a meeting of the Committee to prepare its next session.

b) Information from other Sources

19. In accordance with Rule 69 of its Rules of Procedure, the Committee may also invite RECS, relevant AU and UN Specialized Agencies as well as relevant NGOs and Civil Society Organizations to submit reports on the implementation of the Charter and to provide it with technical advice in areas falling within the scope of their activities, in so far as such reports will provide the Committee with a comprehensive understanding of the implementation of the Charter in the State Party concerned. The Committee shall provide specific guidelines for the preparation and submission of such reports.

c) Follow up of recommendations of the U.N Committee on the Rights of the Child.

20. If a State Party has already submitted its initial or periodic report to the U.N Committee on the Rights of the Child (UN Committee), and if the UN Committee has considered the report, the African Committee of Experts on the Rights and Welfare of the Child may consider the concluding observations and recommendations of the UN Committee when preparing the list of issues for discussion with the State Party.

VI. CONSIDERATION OF REPORTS AND REPRESENTATION OF STATE PARTIES

a) Number of Reports per Session

21. Initial and periodic reports of State Parties shall be examined by the Committee during ordinary or extraordinary sessions in accordance with the Rules of Procedure.

b) Representation of State Parties

22. Invitations to take part in the work of the Committee shall be sent by the AU Commission to the State Parties by diplomatic channels.

c) Non-Representation of State Parties

23. In the event that a State Party report is to be considered and an invitation has been sent to the State Party concerned to attend the session and there is no representative of that State to present the report at the meeting, in spite of two (2) notifications to that State to that effect, the Committee shall proceed to consider the report and forward its comments to the State concerned through the Chairperson of the AU Commission. The Committee shall include a reference on the

non-representation of the State Party concerned, in its report to the Assembly of Heads of State and Government.

d) Public examination of State Party reports

24. The State Party reports will be discussed in open and public meetings of the Committee. During these meetings only the State Party representatives and Committee Members shall take the floor. Other relevant AU and UN Agencies and Institutions will be represented. The media, representatives of Non-Governmental Organizations and Human Rights Institutions, professionals as well as other interested individuals may attend.

e) Nature of Engagement with State Party Delegations

25. With a factual and clear report presented in writing well in advance by the State Party concerned, the interaction with the State Party delegation will take the form of a dialogue on the implementation of the Charter, with particular focus on:

- i) The progress achieved in the implementation of the Charter;
- ii) The difficulties encountered;
- iii) The current priorities;
- iv) The future goals;
- v) The need for technical assistance (if any);
- vi) The procedure for elaborating the report of the State Party.

26. The head of the State Party delegation will be given 15 minutes to make an introductory statement. This will be followed by the presentation of an overview of the state of Child Rights in

the State Party by the Rapporteur for that State. Thereafter, the Chairperson of the Committee will invite the Committee members to ask questions or make comments on the various clusters of rights as outlined in the reporting guidelines and according to the clusters attached in the appendix and this according to their thematic area. The discussion will proceed in an interactive manner. At the end of the discussions the Rapporteur for that State will summarize his/her observations on the report and make suggestions and recommendations. Lastly, the State Party delegation will be invited to make a concluding statement.

VII. OBSERVATIONS, SUGGESTIONS, AND RECOMMENDATIONS

27. After the discussion with the State Party, the Committee will, in a closed session, prepare written observations, suggestions and recommendations, which will, inter alia, highlight the following:

- i) Progress achieved;
- ii) Goals and difficulties;
- iii) Major issues of concern;
- iv) Suggestions and recommendations;

28. The observations, suggestions and recommendations of the Committee shall be transmitted, through the Chairperson of the Commission, to the state party concerned for its comments. The Committee will indicate the time limit within which such comments from State Parties should be submitted.

29. The Committee shall include in its reports to the AU Assembly of Heads of State and Government its observations,

suggestions and recommendations to the State Parties together with the comments received from the State Parties.

VIII. FOLLOW- UP OF REPORTS

a) Request for Technical Assistance

30. If a State Party, as part of its report, requests for technical advice or assistance, the Committee shall, after due consideration, transmit such request to the RECS, Specialized AU and UN Agencies and organs, NGOs, CSOs or any other competent body as it may deem fit.

31. The final suggestions and recommendations of the Committee will underpin the subsequent periodic report of the State Party concerned.

b) Field Visit

32. In the exercise of its functions, the Committee shall endeavor to encourage the promotion of the Charter and the respect of its provisions. Field visits and informal meetings shall be organized each year in one region of the continent. The purpose of these field visits shall be:

- To have first hand understanding of the situation of children in the State Party concerned;
- Make contacts with the authorities and technical services to exchange information on proposals made on the implementation of the Charter;
- Encourage national and international cooperation;
- Follow-up on the recommendations of the Committee;
- Give advice and useful suggestions where needed.

These visits can be scheduled either before the examination of the report by the Committee or after.

IX. PROCEDURE IN RELATION TO OVERDUE REPORTS

33. If after two reminders a State party fails to submit its report as provided for under article 43 of the Charter, the Committee shall through the Office of Chairperson of the Commission send a final reminder to the State Party concerned indicating its intention to consider the situation of Children’s Rights in the State Party in the absence of the State Party report. If no response is received within a timeframe determined by the Committee, the Committee shall consider the situation, as it deems necessary and shall include a reference to this effect in its report to the Assembly of Heads of State.

SECTION IV- MISCELLANEOUS

I. Coming into force

a. These Guidelines shall take effect 30 days after the date on which they were adopted.

II. Amendment

a) The Committee may, by simple majority, amend these Guidelines and disseminate the amended version to stakeholders.

b) Such amendment(s) shall take effect immediately.

Annex- I

Cluster of Rights and Duties in the African Charter on the Rights and Welfare of the Child

The table below consists of the rights and duties enshrined in the African Charter on the Rights and Welfare of the Child (ACRWC). The rights and duties are put in different clusters in accordance with the classifications stated in the Guidelines for the Initial State Party Reports. The rights and duties are put in different clusters with a view of guiding the discussions during consideration of State Party and Complementary Reports

Cluster I: General Measures Of Implementation	Cluster II: Definition of the Child	Group III: General Principles
Article 1: Obligation of States Parties Article 2: Definition of a Child	Article 2: Definition of the child	Article 3: Non-Discrimination Article 4: Best Interests of the Child Article 5: Survival and Development Article 7: Freedom of Expression Article 12: Leisure, Recreation and Cultural Activities Article 26: Protection against Apartheid and Discrimination

<p>Cluster IV: Civil Rights and Freedoms</p>	<p>Cluster V: Family Environment and Alternative Care</p>	<p>Cluster VI: Health and Welfare</p>
<p>Article 6: Name and Nationality Article 7: Freedom of Expression Article 8: Freedom of Association Article 9: Freedom of Thought, Conscience and Religion Article 10: Protection of Privacy Article 16: Protection Against Child Abuse and Torture</p>	<p>Article 18: Protection of the Family Article 19: Parent Care and Protection Article 20: Parental Responsibilities Article 24: Adoption Article 25: Separation from Parents</p>	<p>Article 5: Survival and Development Article 13: Handicapped Children Article 14: Health and Health Services Article 20: Parental Responsibilities</p>
<p>Cluster VII: Education, Leisure and cultural activities</p>	<p>Cluster VII: Special Protection Measures</p>	<p>Cluster IX: Responsibilities of the Child</p>

<p>Article 11: Education</p> <p>Article 12: Leisure, Recreation and Cultural Activities</p>	<p>Article 15: Child Labour</p> <p>Article 16: Protection Against Child Abuse and Torture</p> <p>Article 17: Administration of Juvenile Justice</p> <p>Article 21: Protection against Harmful Social and Cultural Practices</p> <p>Article 26: Protection against Apartheid and Discrimination</p> <p>Article 28: Drug Abuse</p> <p>Article 29: Sale, Trafficking and Abduction</p> <p>Article 30: Children of Imprisoned Mothers</p>	<p>Article 31: Responsibility of the child</p>
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Guidelines on Consideration of Communications and Monitoring Implementation of Decisions

Preamble

The African Committee of Experts on the Rights and Welfare of the Child in accordance with Article 38 of the African Charter on the Rights and Welfare of the Child adopts the present Guidelines.

These Guidelines establish and regulate the procedure to be followed in dealing with communications submitted to the African Committee of Experts on the Rights and Welfare of the Child under Article 44 of the African Charter on the Rights and Welfare of the Child.

In the absence of provisions in these Guidelines or in case of doubt as to their interpretation, the Committee shall decide.

Definitions

For the purposes of these Rules:

“Assembly” means the Assembly of Heads of State and Government of the African Union.

“African Children’s Charter” or **“the Charter”** means the African Charter on the Rights and Welfare of the Child.

“Bureau” refers to the elected officers of the Committee in accordance with these Rules.

“Chairperson” means the Chairperson of the African

Committee of Experts on the Rights and Welfare of the Child.

“**Committee**” refers to of the African Committee of Experts on the Rights and Welfare of the Child.

“**Communication**” shall be understood to be any complaint received by the Committee in accordance with Article 44 of the African Charter.

“**Communiqué**” means any statement of the Committee released to the public.

“**Constitutive Act**” means the Constitutive Act of the African Union.

“**Executive Council**” refers to the Executive Council of the African Union.

“**Guidelines**” refers to these Guidelines for Consideration of Communications submitted under Article 44 of the African Charter on the Rights and Welfare of the Child.

“**Member State**” means a member state of the African Union.

“**Peace and Security Council**” means Peace and Security Council of the African Union

“**Secretariat**” refers to the Secretariat of the Committee.

“**Secretary**” refers to the Secretary of the Committee.

“**Session**” refers to the statutory meetings of the Committee. This includes Ordinary and Extraordinary sessions.

“State Party” means a Member State which has ratified the African Children’s Charter.

“Specialised Organs” refers to specialised organs put in place by the African Union or the United Nations.

“Third Party” refers to any other party other than the complaining or defending parties.

Section I: Access to the Committee

- i. In accordance with article 44 of the African Children’s Charter and these Guidelines, the following persons may be entitled to submit communications to the Committee either on their own behalf or on behalf of third parties, alleging violations of one or more of the provisions of the African Children’s Charter:
 - a. Any individual or group of natural or legal person including children;
 - b. Any State Party to the African Children’s Charter
 - c. Any intergovernmental or non-governmental organisation legally recognised in either one or more of the Member States of the African Union, a State Party to the African Children’s Charter or the United Nations
Any intergovernmental or non-governmental organisation legally recognised in either one or more of the Member States of the African Union, the African Union, or the United Nations, or specialized organs/agencies of the AU or the UN;
 - d. Any specialised organ or agency of the African

Union and United Nations
e. National Human Rights Institutions

- ii. A complainant submitting a communication may designate an attorney or other person to represent her/him before the Committee in the communication itself or in a separate document.
- iii. A Communication may be presented on behalf of a child victim without her/his agreement on condition that the complainant is able to show that her/his action is taken in the supreme interest of the child. When possible, the child victim who is able to express her/his opinions shall be informed of the communication presented on her/his behalf.
- iv. (a) The Committee's jurisdiction is determined by the child's age at the time of the alleged violation.

(b) When a communication has been initiated before the Committee but is not concluded before the child's 18th birthday, the Committee retains the jurisdiction to continue to deal with the communication

Section II: Form and content of communications

1) General Principle

The Committee shall consider a communication against a State Party alleging violations of the rights and welfare of the child enshrined in the African Children's Charter only if the communication fulfils the requirements set forth in the African Children's Charter and these Guidelines.

2) Requirements of Form

- i) No Communication shall be considered by the Committee if:
 - a. it is anonymous;
 - b. it is not written in one of the official languages of the Committee;
 - c. it concerns a State non-signatory to the Charter
 - d. it is not duly signed by the complainant or her/his representatives

- ii) Notwithstanding, the Committee may admit a Communication from State non-signatory to the Charter in the overall best interests of the child. In so doing the Committee shall collaborate with other related Agencies to implementing Conventions and Charters to which the non-signatory State is a Party.

3) **Requirements of content**

- i. A Communication addressed to the Committee shall contain the following information:
 - a. Clear particulars of the complainant or complainants and party or parties against whom such complaint has been made.
 - b. Where possible, the name of the victim or victims, in case they are not the complainant or complainants, and of any public official or authority who has taken cognisance of the fact or situation alleged;
 - c. Whether or not the complainant wishes that his or her identity or the identity of any victim or victims be withheld from the State Party against which the communication is brought;
 - d. The State the complainant considers responsible, by act or omission, for the violation of any of the rights and

- welfare of the child recognised by the African Children's Charter;
- e. An account of the act or situation that is the subject matter of the complaint, specifying the place and date of the alleged violations;
 - f. Where possible, the provision of the African Children's Charter was allegedly violated;
 - g. The remedies sought by the complainant to redress the alleged violations
 - h. Any steps taken to exhaust domestic remedies, or the impossibility or ineffectiveness of doing so as provided under Section IX 1(d) of these Guidelines;
 - i. Submissions on the admissibility and the merit of the case;
 - j. An indication of whether the Communication has been submitted to another international settlement procedure as provided in Section IX (c) of these Guidelines.
 - k. The address for receiving correspondence from the Committee and, if available, a telephone number, facsimile number, and email address;

Section III: Preliminary review and processing of a communication by Secretariat

- i. A Communication addressed to the Committee shall be submitted to the Secretariat which shall carry out a preliminary review and processing of the Communication as follows:
 - a. Receive the communication, assign a title and number, register it, record the date of receipt on the Communication itself and acknowledge receipt to the complaint within 21 days of the date of receipt;

- b. The Secretary shall ensure that Communications submitted to the Committee meet the requirements of form and content provided under Section II of these Guidelines.
 - c. Where the communication does not meet the requirements of form and content provided under Section II of these Guidelines, the Secretariat shall request that the complainant or her/his representative to comply with the said Rules and furnish information within 30 days of the request.
 - d. Where the Secretariat has any doubt as to whether the requirements for a communication have been met, it shall consult the Chairperson.
 - e. Where the Secretary is satisfied that the formalities are met, it shall transmit the Communication to the Committee.
- ii. Where a Communication reveals serious or massive violations or in cases of emergency, the Secretariat shall immediately notify the Committee for consideration of any provisional measure in accordance with Section VII of these Guidelines.

Section IV: Order of consideration of Communications

- i. Unless otherwise decided by the Committee, Communications shall be considered in the order in which they are received by the Secretariat.

Section V: Rapporteurs and Working Groups on Communications

- i. The Committee may appoint a Rapporteur for each Communication from among its members.
- ii. The Committee may also establish one or more working groups as it deems necessary for consideration of questions of admissibility and the merits of any communication.
- iii. Rapporteurs and Working Groups designated under this section shall examine each Communication assigned and make recommendations to the Committee.

Section VI: Joinder and disjoinder of Communications

- i. Where two or more communications against the same State Party address similar facts, involve the same persons or reveal the same pattern of violations, the Committee may, on its own motion or at the request of one of the parties, decide that the communications be joined and considered together as a single communication.
- ii. Notwithstanding paragraph 1 above, the Committee may decide not to join the Communications if it is of the opinion that the joinder will not serve the interest of justice.
- iii. If a communication sets forth distinct facts, or refers to more than one victim or alleged violations not interconnected in time and place, the Committee may, on its own motion or at the request of one of the parties, decide that the claims made may be divided and considered separately as may be appropriate.
- iv. The Committee may also, where it deems appropriate, decide to disjoin communications joined pursuant to paragraph 1 above.
- v. In the situations provided for in paragraphs 2, 3 and 4 of this Section, the Secretariat shall give written notification

of the action taken on the Communication to the complainant.

Section VII: Provisional Measures

1) General Provisions

- (i) Where the Committee considers that one or more Communications submitted to it or pending before it reveal a situation of urgency, serious or massive violations of the African Children's Charter and the likelihood of irreparable harm to a child or children in violation of the African Children's Charter may, at any stage of a communication, either on its own initiative or at the request of a party to the proceedings, request the State Party concerned to adopt Provisional Measures to prevent grave or irreparable harm to the victim or victims of the violations as urgent as possible.

- (ii) After the request for Provisional Measures has been transmitted to the State Party, the Committee shall transmit a copy of the letter requesting Provisional Measures to the victim, the Assembly, Peace and Security Council and the African Union Commission.

2) Determination on provisional measure

- i. In considering a request to a State Party to adopt provisional measures, the Committee shall take the following factors into account:
 - a. The gravity and urgency of the situation;
 - b. The irreparable nature and imminence of the

- harm in question;
 - c. Whether the situation or harm has been brought to the attention of the relevant authorities or the reasons why it has not been possible to do so;
 - d. Whether the potential beneficiary or beneficiaries of the precautionary measures can be individually or collectively identified as the case may be; and
 - e. Whether the consent of the potential beneficiary or beneficiaries of the provisional measures has been obtained, if necessary under the circumstances
- ii. If the Committee is not in session at the time that the request for Provisional Measures is received, the Chairperson, in consultation with the Bureau of the Committee shall take the decision and shall so inform the members of the Committee.
 - iii. The decision on Provisional Measures shall clearly state the particulars of the potential beneficiary or beneficiaries of the Measures, the reasons warranting Provisional Measures and the particular nature of Measures sought to be adopted by the State Party concerned.
 - iv. The Committee shall make its decision on Provisional Measures in shortest possible time which shall not exceed a maximum of 21 days from the time the matter was brought to its attention.
 - v. The request for Provisional Measures by the Committee and their adoption thereof by a State Party shall be without prejudice to any determination on the admissibility or merits of the Communication.

3) Verification of information

- (i) Prior to the adoption of provisional measures, the Committee may, where it deems appropriate, request relevant information from the State party concerned or conduct on-site investigation in order to verify the pertinent facts.
- (ii) Such verification shall be resorted to in as speedy as possible unless the urgency of the situation warrants the immediate granting of the measures.

4) Monitoring and follow up of provisional measures

- i. The Committee shall request the state party concerned to report back on the implementation of the Provisional Measures adopted. Such information shall be submitted within 15 days of the receipt of the request from the Committee.
- ii. The Committee may also invite the Complainant and any other relevant party to provide it with information on any issue relating to implementation of the Provisional Measures adopted.
- iii. The Committee shall periodically evaluate whether it is necessary to maintain any provisional measures undertaken by a State Party or to adopt follow up measures.
- iv. In the event of non-compliance with Provisional Measures by the State concerned, the Committee shall take all necessary steps as it deems appropriate.

5) Report and Publicity of decision on provisional measures

- i. The Committee shall disclose any Provisional Measures adopted in its Annual Report submitted to the Assembly pursuant to Article 45 (2) of the African Children’s Charter.
- ii. Without prejudice to confidentiality pursuant to Article 43(2) of the African Children’s Charter, the Committee may, where it deems appropriate, release a communiqué on the Provisional Measures adopted.

Section VIII: Withdrawal and discontinuation

1) Withdrawal from Proceedings

- i. A complainant may at any stage in the consideration of a Communication withdraw the Communication by notifying the Committee of the withdrawal in writing.
- ii. The withdrawal of one of the complainants to a communication when a communication is submitted by more than one applicant does not have any effect if the other complainant/s wish to proceed.
- iii. The Committee shall consider the notification of withdrawal and may either discontinue the consideration of the communication as it deems appropriate or may, on its own initiative or at the request of 3rd party concerned, continue to consider the communication in the interest of protecting the rights and welfare of the child or children concerned provided that the requirements set out in the African Children’s Charter and in these Guidelines are met.

2) Discontinuation of Communications

- i. At any time during the consideration of a communication, the Committee may decide to

discontinue the consideration on the basis that:

- a) The grounds for the communication do not exist or subsist; or;
 - b) The information necessary for the adoption of a decision is unavailable;
 - c) The lack of prosecution by the complainant.
- i. Prior to discontinuing the consideration of a Communication, the Committee shall notify the parties of its intention to discontinue consideration and request the parties to submit their response to the Committee's intention within 30 days of the receipt of the notice.
 - ii. Upon the expiry of the 30 days period, the Committee shall make a final decision on discontinuing the consideration of a Communication taking into account any responses received from the parties.

Section IX: Procedure on Admissibility

1) Conditions of admissibility

- i. In order to take declare a Communication admissible, the Committee shall ensure that:
 - a) The Communication is compatible with the provisions of the Constitutive Act of the African Union and the African Children's Charter;
 - b) The Communication is not exclusively based on information circulated by the media or is manifestly groundless;
 - c) The Communication does not raise matters pending settlement or previously settled by

another international body or procedure in accordance with any legal instruments of the Africa Union and principles of the United Nations Charter;

- d) The Communication is submitted after having exhausted available and accessible local remedies, unless it is obvious that this procedure is unduly prolonged or ineffective;
- e) The Communication is presented within a reasonable period after exhaustion of local remedies at the national level; and
- f) The Communication does not contain any disparaging or insulting language.

2) **Determination of Admissibility**

- i. For the purpose of determining the admissibility of a Communication, the Committee shall, without prejudice to anonymity, transmit a copy of the Communication to the respondent State Party.
- ii. Where necessary the Committee may transmit the copies of the Communication to the State Party whose citizen is a victim of the alleged violation, if different from the respondent State Party and to any other concerned party whose intervention is considered relevant pursuant to Section XVII of these Guidelines.
- iii. The identity of the complainant or victim shall not be revealed in the presence of an express request of anonymity.
- iv. The State Party shall submit its response within 60 days

from the date of the request from the Secretariat. In cases where the State Party is unable to do so, it may request an extension any time before the expiry of the 60 days period. Provided the request is reasonably founded, the Committee may grant the State party an extension hereunder that shall not exceed 30 days and shall not be more than once.

- v. In cases of where there are reasonable grounds to believe that the life or personal integrity of a child or children is in danger, the Committee shall request the promptest reply from the State Party, using the necessary means it considers the most expeditious for this purpose.
- vi. Upon receipt of the response of the State Party, the Secretariat shall send a copy to the complainant within 14 days of the receipt. The complainant may submit observations on the response of the State Party to the Committee within 30 days of the receipt of the respondent state's submissions. In cases where the complainant is unable to do so it may request for an extension before the expiry of the 30 days period. Provided the request is reasonably founded, the Committee may grant the complainant an extension hereunder which shall not exceed 14 days and shall not be more than once.
- vii. Prior to deciding upon the admissibility of a Communication, the Committee may, where it deems necessary, invite the parties to submit additional information either in writing or orally. Any additional written observations submitted by a party shall be transmitted to the other party.

3) **Decision on Admissibility**

- i. Having considered all the facts, evidence and observations made by the parties, and report of Rapporteurs or Working Groups as the case may be, the Committee shall make a decision on the admissibility within 90 days of conclusion of deliberation on of admissibility.
- ii. The Committee shall provide parties written decisions detailing the reasons for its decisions.
- iii. The adoption of a decision on admissibility shall be without prejudice to the merits of the Communication.
- iv. The decision shall be included in the Annual Report of the Committee to the Assembly.
- v. Where necessary, the Committee may defer its decision on admissibility until the final determination of the merits of the Communication, provided that the Committee shall formally notify the parties of its decision to defer its decision on admissibility until the final determination of the merits.

Section X Procedure on the Merits

- i. Following the adoption of a decision on the admissibility of a communication, the Committee shall proceed to consider the Communication on the merits. The Committee shall request the respondent State Party to submit its arguments and evidence on the merits of the communication within 60 days.
- ii. The Committee may, prior to consideration of the merits of a Communication, set a time period for the parties to express their interest in reaching an amicable settlement in accordance with the relevant provisions of these Guidelines.
- iii. Any written statements submitted by the State Party

- concerned shall be immediately transmitted to the Complainant, who may submit additional information or observations within 30 days.
- iv. The Committee shall consider request for extension of time submitted by the parties concerned before the expiry of the original period under paragraph (2) and (3) above and may grant an extension upon reasonable grounds, provided that such extension shall not exceed 30 days and shall not be granted more than once per party.

Section XI: Procedure for hearing on communications

1) General Provisions

- i. The Committee, if it deems it necessary, may conduct a hearing on a Communication where the parties will be invited to make oral submissions before it.
- ii. The Committee may, if it deems it necessary, on its own motion or at the request of one of the parties conduct hearing of witnesses or experts.
- iii. Such hearings may be conducted in open or closed session as the Committee deems it appropriate depending on the circumstances of each communication.

2) Request for a hearing

- i. A party requesting a hearing, shall do so at least ninety (90) days before the beginning of the session in which the Communication is going to be considered.
- ii. The Rapporteur or Working Group, if any, or in the absence of such designation, the Chairperson shall

decide upon the request in consultation with the Bureau of the Committee.

- iii. The Secretary shall inform both parties of the decision on the granting of a hearing within 15 days of the decision.
- iv. If the request for a hearing is accepted, the notification of the hearing shall include the dates and venue of the session, and period of the session during which the hearing is likely to take place.

3) **Closed hearings**

- i. If the Committee decides to hold hearings in closed sessions, no person shall be admitted, other than:
 - a) The parties to the Communication or the representatives and advisors duly mandated;
 - b) Any person being heard by the Committee as a witness or as an expert;
 - c) Any person whom the Committee may decide to invite under Article.
- ii. When it considers it is in the interest of the proper conduct of a hearing, the Committee may limit the number of parties' representatives or advisers who may appear.

4) **Hearing of parties to the Communication**

- i. The parties shall inform the Committee at least ten days before the date of the opening of the hearing of the names and functions of the persons who will appear on

their behalf at the hearing.

- ii. The Chairperson or any member delegated by the Chairperson shall preside over the hearing, and shall verify the identity of any persons before he/she is heard.
- iii. Any member of the Committee may put questions to the parties or to the persons heard with the permission of the Chairperson.
- iv. Parties to the Communication or their representatives may, with the permission of the Chairperson, put questions to any person heard.
- v. During hearings, the Committee shall permit oral presentations by the parties on new or additional facts or arguments or in answer to any questions that it may have concerning all issues relating to the Communication.
- vi. During the hearing of a Communication in which *amicus curiae* brief has been filed, the Committee, where necessary, shall permit the author or the representative to address the Committee.

5) **Hearing of witnesses, experts and other persons**

- i. The Committee shall determine, at its own initiative, or at the request of one of the parties, to call independent experts and witnesses of the parties to the Communication or other persons whom it considers necessary to hear in a given case. A request to call a witness by one of the parties shall not be rejected unless the Committee has good reasons to believe that such a request constitutes an abuse of process.
- ii. When the Committee determines to call any witness, expert or other person, the Secretary shall send a written call to the witness or expert concerned. The invitation to the hearing shall indicate:

- a) The parties to the Communication;
 - b) A summary of the facts or issues in relation to which the Committee desires to hear the witness or expert.
- iii. Any such person may, if they do not have sufficient knowledge of the working languages of the Committee, be authorised to speak in any other language to be interpreted in one of the Working Languages of the Committee.
- iv. Whoever asks for hearing of witnesses, experts and others bears all the cost in relation to the hearing.
- v. The Chairperson or any member delegated by the Chairperson shall preside over the hearing, and shall verify the identity of the witnesses or experts or other persons appearing for a hearing.
- vi. Prior to proceeding to the hearing the witnesses or experts or other persons appearing for a hearing, the Chairperson or the presiding member of the Committee shall remind them to make truthful statements and provide all relevant information in accordance with the best of their knowledge, findings and sincere belief.

6) Children's participation

- i. The Committee shall take measures to ensure the effective and meaningful participation of the child or children concerned by the consideration of the Communications.
- ii. When the child is capable of expressing his opinions, he should be heard by the Committee through a child friendly process.

7) Protection of persons participating in hearings

- i. The State Party to the Communication shall make an undertaking not to victimize or persecute the Complainant and/or any person representing them, the witnesses or experts or carry out any reprisals against their family members, because of their statements or opinions given before the Committee.

8) Record of hearings

- i. The proceedings hearings shall be recorded and such recordings shall be conserved in the archives of the Committee. The Secretary shall also be responsible for the production of verbatim records of hearings before the Committee.
- ii. Such records are internal working documents of the Committee. If a party to the Communication so requests, the Committee may provide a copy of such records unless, in the view of the Committee, doing so could create a danger to persons heard.

Section XII Failure of Respondent State Party to make its Submissions

- v. In the absence of any submissions from the respondent State Party within the respective periods set under these Guidelines, the Committee shall proceed to the examination of the question of admissibility or the merits based on the submissions of the complainant.
- vi. The Committee may on its own motion conduct further

investigation or request the Complainant to submit further information as may be appropriate in order to make pertinent decision.

Section XIII: Amicable Settlements

1) General Principles

- i. Parties to a communication may settle their dispute amicably any time before the Committee decides on the merits of the Communication.
- ii. In all cases of an amicable settlement, the terms of settlement reached must be based on respect for the rights and welfare of the child recognised by the African Children's Charter and other applicable instruments.
- iii. Any amicable settlement reached outside the auspices of the Committee, shall be reported to the Committee which shall conclude the consideration of the Communication.
- iv. The Committee may, having regard to its mandate under the African Children's Charter, decide to proceed with consideration of the Communication notwithstanding the notice of such amicable settlement.

2) Amicable settlement under the auspices of the Committee

- i. The Committee, on its own initiative or at the request of any of the parties to a Communication, may promote amicable settlement guided by the best interest of the child principle

- and on the basis of respect for the rights and welfare of the child recognised in the African Children's Charter and other applicable instruments.
- ii. Any process of amicable settlement shall be initiated and continued on the basis of mutual consent of the parties to the Communication.
 - iii. The Committee may appoint one or more of its members to facilitate negotiations between the parties for the amicable settlement of a Communication and shall render its good office at the disposal of the parties for facilitating amicable settlement.
 - iv. The Committee may terminate its facilitation of an amicable settlement upon the following grounds:
 - a. If it finds that the matters raised in the Communication are not susceptible to such an amicable resolution;
 - b. If any of the parties does not consent to an amicable settlement;
 - c. If any of the parties chooses not to continue with an amicable settlement;
 - d. If any of the parties displays an unwillingness to reach an amicable settlement based on respect for children's rights and welfare.
 - e. If the subject matter of the Communication involves serious and massive violation of children's rights
 - v. 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 provided that 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 settlement.

- vi. The report on the amicable settlement in sub-rule 5 of this Rule shall be transmitted to the parties whose respective representatives shall formally endorse it by their signatures as a true reflection of the settlement reached and return same to the Secretariat of the Committee within 14 days of receipt of the report.
- vii. The Secretariat of the Committee shall submit the final report with the endorsement of the parties to the Committee which shall adopt it and authorise its publication by the parties subject to article 45(2), (3) and (4) of the African Children's Charter.
- viii. If no amicable settlement is reached, the Committee shall continue to process the Communication in accordance with these Guidelines.

Section XIV: Exemption or withdrawal of Committee Members

- i. A member of the Committee shall not be present and take part in the consideration of a Communication if he or she:
 - a. is a national of the State party concerned;
 - b. has any personal interest in the Communication;
 - c. has participated in any capacity in any decision at the national level in relation to the communication;or
 - d. has publicly expressed opinions that might be interpreted as reflecting lack of impartiality with respect to the communication.
- ii. Any question that may arise under paragraph I above shall be decided by the Committee without the participation of the member concerned.

- iii. If for any reason, a member of the Committee considers that he or she should not take part or continue to take part in the consideration of a communication, he or she shall inform the Chairperson of the Committee in writing of his or her decision to withdraw from the consideration of the Communication.
- iv. Any member of the Committee who does not take part in the consideration of a Communication under this Section shall not form part of the quorum for the consideration of the Communication.

Section XV: On-site Investigation

- i. 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 African Children's Charter.
- ii. The Committee shall request the State Party concerned to furnish it with all the necessary facilities on the State Party's territory necessary for the effective conduct of the investigation.

Section XVI: Preliminary Objections

- vii. A party to a Communication who intends to raise a preliminary objection at the stage before the Committee takes a decision on the merits of the Communication, shall do so in writing not later than 30 days after receiving the other party's submissions on admissibility or on the merits in accordance with the provisions of these

Guidelines.

- viii. The Committee shall submit a copy of the preliminary objection to the other party within 14 days of the receipt of the objection and request the party to submit its written response within 30 days of such request.
- ix. Where the Committee does not receive response to a preliminary objection under paragraph 2 of this Section, it shall proceed to rule on the merits of the objection as presented and on the basis of any other relevant information available to the Committee.
- x. The Committee shall first consider and rule on any preliminary objection before considering any other matters relating to a Communication.

Section XVII: Interventions

1) Third party intervention

- i. The Committee may decide to solicit or accept interventions by parties other than the complainant and the respondent state that it considers will provide it with information relevant to making a decision on a communication.
- iii. A person seeking intervention shall submit an application requesting permission to intervene. The application shall state:
 - a. the names of the applicant or applicant's representatives
 - b. the interest of the applicant in the Communication
 - c. the object of the intervention
 - d. A summary of the supporting documents to be submitted
- iii. The Committee shall consider the application for intervention

and respond formally to the applicant on its decision within 30 days of receipt of the application.

- iv. Where the Committee approves an application for intervention, the applicant shall submit her/his submissions within 60 days of the Committee's formal response to the applicant.

2) amicus curiae

- i. The Committee may receive *amicus curiae* briefs from natural and legal persons other than the parties to a Communication for the purposes of providing the Committee with relevant information relating to the law, facts, arguments or evidence in a Communication.
- ii. A person seeking to submit an *amicus curiae* brief shall submit an application to the Committee through the Secretariat. The application shall indicate:
 - a. The nature of the applicant's interest in the communication; and
 - b. The focus of the *amicus curiae* brief as regards the law, facts, arguments or evidence in the communication.
- iii. The Committee shall consider the application to submit an *amicus curiae* brief and respond formally to the applicant on its decision within 30 days of receipt of the application.
- iv. Where the Committee approves an application to submit an *amicus curiae* brief, the applicant shall submit the brief in any of the working languages of the Committee as directed by the Committee within 60 days of the Committee's formal response to the applicant.

Section XVIII: Deliberations on the merits of a Communication

- i. Upon the receipt of all arguments and evidence on the merits from the parties, the conduct of any hearings or any on-site investigations, the Committee shall deliberate on the merits of a communication and prepare a Report on its deliberations.
- ii. The Report under paragraph 1 above on the Committee's deliberations shall cover its examination of the arguments and evidence presented by the parties, information obtained during hearings and on-site investigations. The Committee may also, on its own initiative, take into account any other information that is a matter of public knowledge relevant to the Communication.
- iii. The Report shall include names of the Chairperson of the Committee, the Rapporteur or members of Working Group for the communication, if any, the members of the Committee participating in the deliberations and any member of the Committee who did not participate in the consideration of the communication for reasons of incompatibility, the decision reached and any dissenting or separate opinion, and any statements which in the Committee's view should be included in the minutes.
- iv. The Committee shall deliberate in closed session and all aspects of its deliberations shall remain confidential.

Section XIX: Decision on Communications

1) The decision on a communication

- i. Upon the conclusion of the consideration of and deliberations on a Communication, the Committee

- shall adopt a decision on the Communication within 90 days from the date of completion of deliberations.
- ii. The decision adopted by the Committee shall contain the following information:
- (a) The title of the Communication;
 - (b) The date on which decision is delivered;
 - (c) The identity of the parties or their representatives subject to requirement of anonymity;
 - (d) A Summary of the proceedings
 - (e) A summary of the submissions of the parties
 - (f) The relevant steps taken by the Committee in its consideration of the communication including any precautionary measures adopted, on-site investigations conducted and any hearings held;
 - (g) The relevant facts and law examined
 - (h) reasoned decision on the admissibility of the Communication with full analysis of facts and law;
 - (i) The reasoned decision on the merits with full analysis of facts and law;
 - (j) The conclusions of the Committee
 - (k) recommendations of the Committee on actions to be taken by the parties to remedy the violations found by the Committee;
 - (l) The operative aspects of the decisions including compensations if any;
 - (m) The signature of the Chairperson

- iii. The Secretariat shall notify the parties of its decision within 30 days from the date of decision without prejudice to Paragraph 5 of this Section.
- iv. A decision on a Communication adopted by the Committee shall be included in the Committee's Report to the Assembly of the African Union.
- v. The implementation of the recommendations of the Committee in its decision on a Communication by parties upon receipt of decision shall not be affected by the prohibition on publication as provided under this Rule.

Section XX: Review of decisions of the Committee

- i. The Committee, acting on its own initiative or at the written request of a party to a Communication, may review its decision on the admissibility or merits of a Communication.
- ii. In determining whether to review its decision, the Committee shall satisfy itself of any of the following:
 - a. The discovery of some decisive fact or evidence, which was not known to the Committee and the party requesting the review, provided such ignorance was not due to negligence;
 - b. The application for review is made within six months of the discovery of the new fact; unless the best interest of the child or children concerned
 - c. The Committee erred in its application and interpretation of the African Children's Charter or any other relevant instrument in a manner that undermines fairness, justice and protection of the rights and welfare of the child; or
 - d. The existence of any other compelling reason

the Committee may deem appropriate or relevant to justify a review of its decision with a view to ensuring fairness, justice and protection of the rights and welfare of the child.

- iii. The application for review by a party shall contain the information necessary to show the condition and shall be accompanied by all relevant supporting documents.
- iv. Upon instructions of the Committee, the Secretary shall transmit a copy of the application for review to any other concerned party and shall invite them to submit written observations, if any, within the time limit set by the Committee.
- v. No application for review may be made after three years from the date of notification of the decision.
- vi. An application for review shall not interrupt implementation of Committee's decisions by the State Party concerned unless the Committee decides otherwise.

Section XXI: Legal Aid

- i. The Committee may, either at the request of the complainant or at its own initiative, facilitate access to free legal assistance to the complainant in the interest of justice and within the resources available.
- ii. Free legal aid shall only be facilitated where:
 - a) It is essential for the proper discharge of the Committee's duties, and to ensure equality of the parties before it;
 - b) if the applicant is a child and

- c) The complainant has no sufficient means to meet all or part of the costs involved.
- iii. In case of urgency or when the Committee is not in session, the Chairperson may exercise the powers conferred on the Committee under this Section. As soon as the Committee is in session, any action that has been taken under this paragraph shall be brought to its attention for confirmation.

Section XXII: Implementation of decisions of the Committee on communications

1) Reporting on implementation

- i. A State Party to a Communication found by the Committee to have violated any of the articles of the African Children's Charter shall report to the Committee all measures taken to implement the decision of the Committee within 180 days from the date of receipt of the Committee's decision.
- ii. Upon receipt of implementation report, the Secretariat of the Committee shall transmit the implementation report to applicants.
- iii. If the State Party does not submit a report as required by this Rule or provide the Committee with any other information on its implementation of the Committee's decision within the period set in sub-rule 1 of this Rule, the Committee shall formally notify the State Party of this breach and request it submit the report within 90 days from the date of the Committee's notification.
- iv. If at the expiry of the 90 days from the date of reminder, the State Party does not submit a report, the Committee shall refer the matter to the Assembly

of the African Union for appropriate intervention on the matter.

2) **Implementation hearing**

- i. A hearing on the implementation of recommendations of the Committee on a communication can be called if the Committee decides a report submitted on the measures taken to implement its decisions, lacks clarity or is unsatisfactory.
- ii. The Committee, may conduct a hearing on implementation of its decision by inviting a State Party to a Communication to present oral report before the Committee on all measures taken to implement the decision of the Committee
- iii. The purpose of this hearing is for the Committee to be informed on the extent to which the decision given by the Committee is implemented and to identify factors or any difficulties affecting the implementation of the decision and guide the State Party towards the full implementation of the decision.
- iv. The implementation hearing shall take place in one of the Sessions following submission of implementation report by the Respondent State.
- v. The Secretariat in consultation with the Committee shall fix the date of implementation hearing, if it is deemed necessary and notify the parties within 30 days.
- vi. The notification of the hearing shall include the dates and venue of the session, and period of the session during which the hearing is likely to take place.

3) Procedure for implementation hearing

- i. The parties shall inform the Committee the names and functions of the persons who will appear on their behalf at the hearing at least ten days before the date of the opening of the implementation hearing.
- ii. The Chairperson or any Member delegated by the Chairperson shall preside over the hearing, and shall verify the identity of any persons before he/she is heard.
- iii. The Chairperson or any Member delegated by the Chairperson shall invite the representative of the Respondent State to present implementation report.
- iv. The oral submission shall:
 - a. Indicate measures taken by the Respondent State to implement decision of the Committee;
 - b. Indicate factors and difficulties, if any, affecting the implementation of decision of the Committee;
 - c. State the reason for not taking measures to implement decision of the Committee in case where the Respondent State fails to take any measure to implement decision of the Committee.
- v. Any member of the Committee may put questions to the Respondent State with the permission of the Chairperson.
- vi. Applicants shall have the floor to reflect their opinion on the report presented.
- vii. The reflection of applicants shall:
 - a. Reflect on implementation status of the decision of the Committee;
 - b. Indicate gaps in the implementation of the decision and measures that should be taken to fill those gaps; and
 - c. Reflect on the factors that hinder the Respondent State from taking measures to implement the

decision if the respondent State has not taken any measure to implement the decision of the Committee.

- viii. Implementation hearings may be conducted in open session unless otherwise the Committee finds it necessary to be in closed session.

4) Outcome of the implementation hearing

- i. Following the implementation hearing, the Committee shall adopt guiding recommendations that enable the Respondent State to fully implement the decision of the Committee

5) Follow-up on implementation of decisions

- i. The Committee shall appoint a Rapporteur for each communication for the purpose of monitoring the implementation of the Committee's decision by the State Party concerned.
- ii. The Rapporteur for a Communication shall monitor the measures taken by the State Party concerned to give effect to the Committee's recommendations made in its decision on the communication.
- iii. The Rapporteur for a communication may make such contact as is necessary with the relevant persons and institutions in the State Party concerned and take such action as may be appropriate to ascertain the measures adopted by the State Party concerned in implementing the recommendations of the Committee made in its decision on the communication.
- iv. At each ordinary session of the Committee, the Rapporteur for a Communication shall present a report

during the public session on the progress of the State Party concerned in implementing the Committee's decision and make any necessary recommendations for improving the State's implementation of the decision.

- v. Notwithstanding the provisions of Section XX(3) of these Rules of Procedure, the Committee shall draw the attention of the Permanent Representatives Committee, and the Executive Council, to any incidents of non-compliance with the Committee's decision on a communication by the State Party concerned.

Section XXIII: Final Provisions

1) Interpretation

- i. The Committee shall have the mandate to interpret the present Guidelines In conformity with the provisions of the African Children's. For the purpose of the interpretation of these rules, the headings are for reference purposes only and do not form part of the Rules.

2) Amendments

- i. These Guidelines may be amended the Committee in conformity with the relevant provisions of the African Children's Charter. Any proposal for amendment shall be adopted by a two-majority decision of present and voting at a session where the proposed amendments

are scheduled to be considered.

3) Non-retroactivity

- i. The present Guidelines shall not have any retrospective effect.

4) Entry into Force of the Guidelines

- i. The present Guidelines shall enter into force three months after their adoption by a simple majority of members of the Committee present and voting at a session where the Guidelines are scheduled to be adopted.

4

Guidelines on the Conduct of Investigations

INTRODUCTION

The African Committee of Experts on the Rights and Welfare of the Child is established under Article 32 of the African Charter on the Rights and Welfare of the Child. Its mandate is to, *inter-alia*, promote and protect the rights of children as enshrined in the Charter; Collect and document information; commission interdisciplinary assessment of situations on African Problems in the area of the rights and welfare of the child; formulate and lay down principles and rules aimed at protecting the rights of the child; and above all monitor the implementation and ensure protection of the rights enshrined in the Charter and to supervise their observance.

Article 44(1) provides that “The Committee may receive communication from any person group or non-governmental organisation recognised by the Organisation of the African Unity, by a Member State or the United Nations relating to any matter covered by this Charter”.

Further, Article 45 (i) of the African Charter provides that “The Committee may, resort to any appropriate method of investigating any matter falling within the ambit of the present Charter, request from the States Parties any information relevant to the implementation of the Charter and may also resort to any appropriate method of investigating the measures a State Party has adopted to implement the Charter”.

It would thus appear that on the basis of the ratification of the African Charter on the Child and without the need for a complementary acceptance of competence, the Committee of Experts is empowered to investigate any issue arising from the Charter, including alleged or observed violations of the rights

and welfare of the child that could or could not have been submitted to it.

The Charter on the Child does not clearly or adequately stipulate the procedures for communication and investigation. Therefore, these guidelines have been drafted to provide regulations that will enable the Committee of Experts to conduct investigations within the framework of the Charter.

I. General presentation of investigation missions of the African Committee of Experts on the Rights and Welfare of the Child

A) Definition, aim and types of investigation missions

Article 1: Definition

An investigation mission shall be a mission of a team of the Committee of Experts on the Rights and Welfare of the Child to a State party to the Charter to gather information on the situation of the rights of the child in the State Party.

Article 2: Aim of investigation missions

The aim of the investigation missions shall be to seek and collect accurate and reliable information on any issue arising from the Charter in order to:

- a) Assess the general situation of the rights of the child in a country;

- b) Clarify the facts and establish responsibility of individuals and the State towards children who are victims of violations and their families, and/or
- c) Promote and support the implementation of the rights and welfare of the child by the various administrative, legal and legislative institutions of the country, in conformity with the Charter.

Article 3: Types of investigation missions

1. The African Committee of Experts on the Rights and Welfare of the Child (hereinafter known as the Committee) may undertake two types of investigative missions:
 - a) Investigations on any matter referred to the Committee.
 - b) Investigations initiated by the Committee.

B) Initiative and composition of investigation missions.

Article 4: Initiative of Investigation Missions.

1. Investigative missions shall be undertaken on the initiative of the Committee, under the relevant provisions of the African Charter and its Rules of Procedure, on the basis of a communication admitted by the Committee indicating serious and systematic violations of the rights of the child in a State party.
2. The Committee may also undertake an investigative mission at the invitation of the State party concerned. Any invitation from a State party to undertake an investigative

mission shall be considered by the Committee without delay.

3. In the event of refusal by a State party of an investigative mission on its territory, the State concerned should indicate the reasons for this refusal in a reasonable time. The Committee shall take note and report to the Assembly of the Union, which shall then decide on further action to be taken. States parties shall strive to adopt a policy of admitting investigative missions to their territories.

Article 5: Composition of investigation missions

1. On the basis of Article 62 of its Rules of Procedure, the Committee could, depending on the case:
 - set up sub-committees and/or ad hoc working groups in order to prepare for the investigations as per the provisions of Article 45 of the Charter and these directives;
 - designate a Head of mission to lead a mission;
 - designate a special Rapporteur from among its members to investigate in accordance with the above-mentioned provisions;
 - designate independent experts to back the sub-committees, ad-hoc working groups and special rapporteurs in their missions.
2. The number and designation of the sub-committee and/or working group members thus established shall be determined by the Committee, taking into consideration the aim and scope of the mission. In the event of

emergency, these decisions shall be taken by the Chairman and submitted to the Committee for approval.

Article 6: Inability of a member to take part in an investigation mission

1. A Committee Member may not take part in an investigation mission if:

- a) he/she is a national of a State in which the mission takes place;
- b) he/she resides on the territory of the State party in which the mission takes place; or
- c) the mission is undertaken in the State party on behalf of which he/she has been elected to the Committee.
- d) the mission is undertaken in the State party which nominated the Member.

2. Any issue raised within the context of this Article shall be resolved by the Committee without the participation of the member concerned.

Article 7: Organization/functioning of investigation missions

Ad hoc sub-committees and working groups set up under Article 5 (1) above shall organize their proceedings. In this respect, they shall in consultation with the Chairperson of the Committee assign duties to each of their members and, notify the secretariat staff on the composition of the team(s).

II- Preparation of investigation missions of the African Committee of Experts on the Rights and Welfare of the Child.

A. Preliminary mission report

A preliminary Mission Report is a report that will be prepared prior to proceeding on a mission

Article 8: Aim of the preliminary report

1. A preliminary mission report shall be prepared before each investigation mission.
2. The aim of the preliminary report shall be to collect all available information on the country concerned in order to give an overview of the situation of the rights of the child in the country.

Article 9: Substantial points of the preliminary report

1. The preliminary mission report should contain relevant information such as:
 - a) The general situation of the country : political, economic, social, cultural and security issues;
 - b) The country's legal system'
 - c) The status of ratification of the major international instruments on human rights, particularly the United Nations Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child concerning the Sale of children, Prostitution of Children and Pornography that displays children, the

Additional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflicts and the African Charter on the Rights and Welfare of the Child and the status of the submission of the reports to the UN Committee on the Rights of the Child and the African Committee.

d) The status of ratification of the regional and sub-regional instruments of cooperation and development and also information on the accession of the country to the African Peer Review Mechanism of the NEPAD;

e) The major constitutional and legislative provisions on the rights and welfare of the child;

f) Analysis of the major policies for children and information on budgets allocated to issues on education and maternal, child and youth health.

2. The preliminary mission report shall also mention the possible difficulties of the mission and include a list of potential interlocutors.

Article 10: Sources of information

1. Information contained in the preliminary mission report shall be collected from the African Union, the United Nations and other international organizations with expertise on the country or the situation of the rights of the child in question, from the government of the State party concerned and from non-governmental organizations with observer status on the committee, as well as official opposition political parties, local representatives of international or regional organizations and civil society organizations.

B. Logistics

Article 11: Mission dates

1. The Committee should, through its Chairperson and the Chairperson of the AU, send through the official channel, three (03) months before the dates scheduled for the mission, a letter to the government of the State party to inform it of the objective, timetable and venues of the investigation mission. The State party shall be obliged to send its reply within one (01) month after reception of the letter.
2. In agreement with the State party, the Committee shall finally fix the dates of its investigation missions six (06) weeks before the beginning of the mission. In the event of emergency, the Committee shall decide on its investigation missions within a shorter period.

Article 12: Need for independent arrangements

1. In order to ensure the independence and impartiality of the mission, the Committee shall undertake to organize the collection of information necessary for the preparation of the mission.
2. The Committee shall also make the necessary arrangements for the journey through its Secretariat. These arrangements shall include, *inter- alia*, air and hotel reservations, travel insurances and necessary visas, transport in the country, organization of meetings with the various interlocutors as well as arrangements necessary for communication on and during the mission.

3. All expenses incurred by the mission shall be borne by the Committee.

Article 13: Mission programme

1. The mission programme shall be prepared by the Committee Secretariat, in collaboration with the Committee Chairman and mission members.
2. In order to ensure the smooth functioning of the mission, the Secretariat of the Committee shall transmit to the State party, a draft mission programme. The Secretariat shall draw the government's attention on the mission's terms of reference, its mandate as well as its privileges and immunities. The agreement of the government on these terms of reference should be obtained in writing before the onset of the mission.
3. The mission programme shall include meetings with national and local authorities, including members of government, the judicial authority and Parliament, representatives of national institutions of human rights and rights of the child, civil society organizations, representatives of United Nations agencies and other inter-governmental organizations and if need be, children who are victims of violations and their families or representatives, and presenters of petitions submitted under Article 44 of the Charter.
4. The mission programme shall be flexible and measures should be envisaged in the event of complementary meetings.

III - Functioning of investigation missions

A) Contents and procedure of investigation missions.

Article 14: Public Information

1. A general notice shall also be published on the mission, inviting the public and all individuals likely to contribute to the mission's success to cooperate with the Committee's representatives.

Article 15: Investigations on any matter referred to the Committee

1. The mission shall conduct in-depth and impartial investigations on alleged violations of the rights of the child.

2. In order to protect the identity of the victimized children and ensure their protection as well as that of the witnesses, these meetings shall be open and confidential, in the absence of government representatives and in a venue that is not supervised by government authorities.

3. The mission shall also meet authorities of public or private institutions responsible for victimized children and their families.

Article 16: Investigations initiated by the Committee itself

1. The mission shall focus on sensitisation on the African Charter and the African system of human rights in

general by encouraging and indicating good practices in the effective implementation of the Charter.

2. Mission members shall meet government authorities, representatives of non-governmental organizations as well as any other person likely to provide information on the rights of the child in the country.
3. They shall also visit detention or rehabilitation centres for children, schools, hospitals, refugee camps, if need be, and any other centre that will enable a fair assessment of the situation of children in the country.

Article 17: Common procedures

1. Whenever possible, investigation missions shall visit the rural areas of the country and shall hold discussions with local government authorities, local authorities of institutions responsible for children, community organizations and local populations including children.
2. Mission members shall take notes at each meeting or visit, including the date, time, names and posts of persons met and subjects discussed. Notes of the meetings should be as complete and as detailed as possible.
3. Mission members shall meet, if possible, at the end of each day in order to report on activities carried out and the problems faced with a view to facilitating the preparation of the mission report. They shall also consider possible difficulties of the current programme that they could face and ways to resolve them.

B. Guiding principles of investigation missions

Article 18: Principles relating to mission members.

1. The investigation mission shall be conducted in total impartiality and independence.
2. Mission members shall strive to obtain any and all information necessary for their investigation.
3. The mission shall moreover have the obligation to act in conformity with its mandate. All mission members shall have the duty to participate actively in all activities envisaged by the mandate, including individual participation.
4. Mission members shall be obliged, prior to, during and after the mission, to respect the general principles for the implementation of the rights of the child, *inter-alia*, the principles relating to non-discrimination, participation of children and respect of the supreme interest of children.

Article 19: Principles relating to investigation methods

1. In carrying out their mandate, mission members shall have the obligation to respect the laws and regulations of the State Party visited without however being hindered by these laws and regulations in the conduct of the mission.
2. States Parties shall be obliged to take all necessary measures to protect the alleged victims of violations of the rights of the child, their parents or legal representatives as well as witnesses met in the course of the mission

against threats, harassments or any other form of intimidation that could be related to the investigation.

3. The State Party shall have the opportunity, at every stage of the investigation, to comment on the information collected by the mission.

IV - Report, publication and follow-up of investigation missions

A) Preparation of mission report

Article 20: Preliminary results

1. At the end of the mission and before leaving the country visited, the delegation shall prepare a document presenting the preliminary results of its investigation that shall be communicated to the government and media.
2. The above-mentioned preliminary results shall be presented at a press conference and confidential information related to the consideration of certain violations of the rights of the child shall not be published.

Article 21: Mission notes

All notes taken during the mission shall be compiled and handed over to the Head of Mission. He shall transmit them to a member of the Committee's Secretariat who shall be responsible for drafting the mission's final report.

Article 22: Contents of the final report

1. The mission report shall be prepared within a period of

one (01) or two (02) months after the mission. It shall include a description of the investigation, as well as procedures and methods used in the investigation.

2. The mission report shall also recapitulate all the substantial points included in the preliminary report, for example, information on:

- a) the general situation in the country and the major political, economic, social and cultural issues on the protection of the rights and welfare of the child;
- b) the legal system of the country and particularly the legal provisions and mechanisms established to guarantee the rights of the child proclaimed in the Charter;
- c) analysis of the major national policies on children.

3. In addition, the mission report shall include:

- a) a historical background, if need be, of actions taken by the Committee on rights and welfare of the child in the country;
- b) a recapitulation of the correspondence exchanged by the Committee and the State party concerned;
- c) the mission's terms of reference;
- d) a copy of the form for the collection of information on the field;
- e) An aide-mémoire of the mission, recapitulating its composition, mission programme, places visited

and persons met, including government officials, representatives of institutions responsible for children and civil society organizations. The report shall also mention meetings with victimized children, their families or representatives, except those whose identity was not revealed for their protection;

- f) press releases published;
- g) a summary of communications submitted, if need be, under Article 44 of the Charter and information collected by the mission on every communication;
- h) information on the process to be followed with regard to these communications as well as on possible replies given by the government in response to the communications; and lastly
- i) an analysis of mission results in relation to all the issues for the investigation.

Article 23: Recommendations

1. On the basis of all the information collected, the mission report shall make recommendations on the implementation of the Charter in the State Party visited, or relating to allegations of violation of the rights of the child, including by presenters of petitions submitted under Article 44 of the Charter.
2. Recommendations of the Committee shall mainly be addressed to the State Party concerned, - indicating the

measures that should be taken. They shall also be sent to other public and private institutions responsible for the monitoring and implementation of the rights of the child recognized in the Charter.

B. Publication of mission report

Article 24: Transmission of report

1. Once drafted, the mission report shall be sent to members of the delegation who shall have one (01) month to propose amendments. The amended report shall then be transmitted to the government of the State Party concerned which shall within thirty (30) days following transmission, be allowed to make its observations and indicate measures to be taken for a follow up.
2. In the case of investigation missions on allegations of violations of the rights of the child recognized in the Charter and communicated to the Committee on the basis of Article 44, the report shall also be transmitted to presenters of petitions. The Committee shall take into account comments made by the presenters of petitions particularly in the possibility of an amicable settlement of the dispute.

Article 25: Adoption and circulation of report.

1. After revision in conformity with the comments made by the State parties mentioned above by the Committee Secretariat, under the supervision of the Head of mission, the report shall be submitted to the Committee at its next meeting for approval.

2. The mission report shall be attached to the progress report submitted by the Committee to the Assembly of Heads of State and Government of the African Union. It shall be published after consideration by the Assembly of Heads of State and Government and the States parties concerned shall ensure its circulation in their countries.

C. Follow-up of missions

Article 26: Monitoring of investigation missions on any matter referred to the Committee.

1. Investigation missions of the Committee on petitions submitted under Article 44 shall be monitored by contacts inviting the State Party visited to present, within six (06) months after the mission or the adoption of a decision by the Committee, a written reply comprising information on any measure taken in the light of recommendations made by the Committee after the mission.
2. The Committee could also establish other contacts that will enable it to obtain additional information on measures taken by the State Party in reaction to its recommendations.
3. Lastly, the Committee could request the State Party to include in its subsequent reports presented under Article 43 of the Charter, information on any measure taken in

reaction to recommendations made by the Committee after the mission.

Article 27: Monitoring of investigation missions initiated by the Committee

1. Investigation missions of the Committee shall be monitored by a periodic evaluation of the situation of the rights of the child in the country. The Committee could, for example, request the State party to include in its subsequent reports presented under Article 43 of the Charter, information on any measure in reaction to the recommendations made by the Committee after the mission.
2. The Committee could moreover invite specialized institutions and civil society organizations working for the protection of the rights and welfare of the child to provide it with information on the monitoring and implementation of the Charter in the countries concerned in the areas that shall be covered by their activities.

Appendix 1

Form for the collection of field information,

This form has been prepared in order to assist mission members in the collection of information – one form should be used for each of the meetings and/or interviews. All forms shall be collected and transmitted to the Committee’s Secretariat after the mission.

Date:

Time:

Venue:

Person(s) met:

Issues discussed:

Problems raised:

Results and conclusions (if need be, indicate reasons that prevented results from being obtained):

Appendix 2:

Mission terms of reference.

During investigation missions of the African Committee of Experts on the Rights and Welfare of the Child, mission members shall have the following principles and guarantees, which shall be obligatory for the state party that has invited the Committee or agreed to the mission:

1. Freedom of movement on the whole territory of the country concerned and free access to all venues indicated on the mission programme.
2. Freedom of investigation, particularly as regards:
 - (i) contacts with central and decentralized authorities of all government sectors;
 - (ii) contacts with representatives of non-governmental organizations of the rights and welfare of the child, other private institutions and the media;
 - (iii) access to all institutions that host children, including detention and rehabilitation centres;
 - (iv) confidentiality of contacts and discussions with witnesses and other private interlocutors, including victimized children and their families and children deprived of

freedom;'

- (v) free access to all documents needed for carrying out the mission's mandate and preparing the report.
3. Assurance by the government that no child, public or private person who has been in contact with one of the mission members as part of its mandate, shall, for that reason, be victim of harassment, retaliation or subjected to legal procedure;
 4. Assurance by the government that appropriate security measures shall be taken, without however restricting the freedom of movement of mission members mentioned above;
 5. Assurance that all the guarantees and facilities shall be extended to the African Union staff responsible for assisting the mission prior to, in the course of and after the visit;
 6. Assurance that mission members and African Union staff responsible for assisting the mission shall enjoy privileges and immunities accorded by the African Union without undermining the laws and regulations in force in the territory of the State party visited.

5

Guidelines on Observer Status of Non-Governmental Organisations (NGOS) and Associations

PART I: CRITERIA FOR GRANTING OBSERVER STATUS

INTRODUCTION

The AU African Committee of Experts on the Rights and Welfare of the Child, in conformity with Article 42 of the Charter and Articles 34, 37, 81 and 82 of the Rules of Procedure on representation and cooperation with civil society organisations grant observer status to civil society organisations according to the following criteria and principles.

SECTION I: Principles to be Applied in Granting Observer Status in the AU

African Committee of Experts on the Rights and Welfare of the Child

1. The aim and objectives of NGOs/Associations applying for Observer Status should be in keeping with the spirit, objectives and principles of the Constitutive Act of the African Union and of the African Committee of Experts on the Rights and Welfare of the Child and those enshrined in the Charter.
2. The NGOs/Associations shall undertake to support the work of the African Union and the Committee, and promote the dissemination of information on its principles and activities, in accordance with the aims and objectives, the nature and areas of competence

and activities.

3. The NGOs and Associations working on human rights in general and for the promotion and protection of the child in particular should have a recognized reputation in their particular areas.

4. The NGOs/Associations should:

- a) Be registered in a State Party, at least three (03) years before the submission of the request, to undertake without restriction regional and continental activities as African Civil Society Organisations or of the diaspora working in the area of defending, protecting and promoting the rights of children; and
- b) Provide proof of their official recognition as well as their activities during that period or
- c) If it is a Non-Governmental Organization of the Diaspora (as recognized by the African Union), it should submit the names of at least two (2) AU Member States or civil society organizations recognized by the Union that are well acquainted with the organization and are willing to certify its authenticity.

5. The NGOs/Associations should have:

- a) a recognized headquarters and an executive organ;
- b) democratically adopted statutes, a copy of which shall be deposited with the Chairperson of the Committee of Experts;

- c) a representative structure and appropriate mechanisms to enable them to report to their members who should exercise effective control over their policies, through an appropriate democratic and transparent decision-making process;
- d) an administration comprising a majority of African citizens or Africans from the Diaspora as defined by the executive council and an elected children's representative whenever possible. These conditions shall not be applicable to International Non-Governmental Organisations.

6. Any NGO/Association that practices discrimination on any of the prohibited grounds in the Charter or practices any form of exploitation or abuse of children cannot enjoy observer status.

7. The NGO/Association applying for observer status should have adequate interaction with the ACERWC prior to applying.

SECTION II: Application Procedure for Non-Governmental Organizations

1. Any NGO/Association wishing to obtain Observer Status should submit:
 - a) A written application addressed to the Committee, stating its intention, before the Session of the Committee.

b) its statute or charter; an updated list of its members; all the details concerning their different sources of financing including voluntary contributions from external sources, the amount and names of Donors should be accurately indicated. Any financial support or contribution granted directly or indirectly by a state should be duly declared in its financial statement, which should be regularly presented to the Committee..

c) A memorandum of activities containing a presentation of the past and present activities of the NGO/Association; its links, including any links outside Africa and any other information which will help to define its identity, and above all, its area of activity.

2.. The submission of documents shall be in one of the two (English or French) working languages of the Committee either in soft copy or in hard copy.

SECTION III: Procedure for Consideration of Applications by the Committee

1. The Committee shall, during its ordinary sessions, in conformity with the agenda prepared, consider the applications received within the set deadline..

2. The Committee shall, on the basis of defined criteria

and principles, decide on the applications considered during its session and inform, through the Secretariat of the Committee, the organizations and Associations of the decisions of the Committee, without delay.

SECTION IV: Participation of Observers in the Deliberations of the Committee

The representatives of NGOs/Associations enjoying Observer Status may:

1. Be invited to be present at all the opening and closing ceremonies;
2. Participate in meetings of the Committee in conformity with the conditions provided for in this section.
3. Have access to documents of the Committee provided these documents:
 - a) are not confidential;
 - b) deal with issues concerning the observers;
4. The documents of the Committee shall be distributed in accordance with the documents classification system adopted by the Committee
5. Be invited to attend closed sessions to consider issues, which concern them.
6. Participate, without voting rights, in the deliberations of meetings, to which they are invited, with the authorization of the Chairperson.

7. Observers may be authorized by the Chairperson to make a statement on issues concerning them, provided that the text of the statement is communicated in advance to the Chairperson.
8. The Chairperson of the meeting may give the floor to observers to enable them to reply to questions they may be asked by members.
9. Observers may request the inclusion of issues of particular interest to them on the agenda of the meeting.

SECTION V: Relations between the Committee and Observers

1. The NGOs/Associations enjoying Observer Status undertake to establish close cooperation relations with the Committee and hold regular consultations with the latter on all issues of common interest.
2. The Chairperson of the Committee may authorize any NGO/Association enjoying Observer Status, which has legally changed its name or legally succeeded an organization, which enjoyed Observer Status, to continue to enjoy the said status under its new name.
3. The Committee may suspend or withdraw the Observer Status; if it appears that an NGO/Association enjoying this status has ceased to meet the exigencies define in the present document..

4. Granting, suspension or withdrawal of Observer Status of an NGO/Association is the prerogative of the Committee and may not be the subject of a judgement of a court or tribunal.

SECTION VI: Final Provisions

1. Granting of Observer Status to an NGO/Association does not incur any obligation on the part of the Committee to allocate a subsidy or any material assistance whatsoever to this NGO/Association.
2. Observers shall bear the expenses for their transport and stay at the venue of the conference.
3. These criteria can be amended if necessary

Part II: Reporting by Non-governmental Organisations (NGOs) and Association with Observer Status

All NGOs/Associations enjoying Observer Status with the Committee should submit analytic reports on their activities every two years (2) years. The submission of these reports presents an opportunity for NGOs to inform the Committee about the activities they have undertaken to promote the implementation of the Charter and in support of the Committee. The report also enables the Committee to assess the civil society space for the promotion and protection children's rights and update itself on emerging trends to inform its engagement with State Parties

A. CONTENT OF THE REPORT

I Introduction to the organisation

1. The organisation should provide information describing itself, including the following information:
 - a) The aims and purposes of the organisation, and how the organisation works to achieve these aims and purposes;
 - b) The geographical coverage of the work of the organisation;
 - c) The legal status of the organisation, including changes to its registration status, constitution, or by-laws;
 - d) The organisational structure, including names of

the management office bearers and how they were elected or appointed to office; and

- e) Membership in coalitions or networks.

II Operational environment

- 2. The organisation should briefly provide information about the general political, economic, social, cultural, and legal environment in which it operates. It should particularly highlight any significant developments that have positively or negatively impacted its work during the reporting period.

III Financial status and viability of the organisation

- 3. The organisation should provide information about its financial status, including:
 - a) Sources of funding, with each source presented as a proportion of its contribution to the whole budget of the organisation.
 - b) The total budget and actual expenditure of the organisation during the reporting period, disaggregated to reflect expenditure on programmes vis-à-vis administrative operations (e.g. salaries, rent and overhead costs), as well as the budget allocated for each activity.

IV Activities undertaken to promote the implementation of the Charter

4. The organisation should provide information on the activities it has undertaken during the reporting period to promote the implementation of the Charter, including but not limited to the following:
 - a) activities aimed at direct realization of the rights enshrined in the Charter, including lessons learnt during the implementation of those activities;
 - b) activities at the domestic or national level aimed at monitoring implementation of the Charter by a state party;
 - c) activities undertaken to ensure or facilitate the implementation of concluding observations or other recommendations of the Committee;
 - d) activities undertaken to celebrate the Day of the African Child (June 16); and
 - e) activities undertaken to disseminate the Charter.

V Contribution to the work of the Committee

5. The organisation should provide information about its contribution to the work of the Committee, including contribution relating to the following mandate areas of the Committee:
 - a) collection and documentation of information, assessment of situations of African problems in the fields of the rights and welfare of the child, and organisation of meetings;
 - b) formulation of principles and rules aimed at

protecting the rights and welfare of children in Africa (e.g. contribution to formulation of general comments);

- c) consideration of state party reports submitted to the Committee pursuant to article 43 of the Charter (e.g. submission of shadow reports and country briefings);
- d) determination of communications received by the Committee pursuant to article 44 of the Charter (e.g. submission of communications or filing or amicus briefs); and
- e) investigations conducted by the Committee pursuant to article 45 of the Charter.

VI Participation in the activities of the Committee

- 6. The organisation should provide information about its participation in the activities of the Committee, including participation in the following activities:
 - a) ordinary and extraordinary sessions of the Committee - . Information about participation in sessions may include oral or written statements made during these sessions and parallel or side events organised;
 - b) closed or private meetings of the Committee; and
 - c) meetings or events organised by the Committee during the inter-session period, including those organised during country visits.

VII Union Support of the relevant work of the African Union

7. The organisation should provide information on the activities it has undertaken during the reporting period to support specific programmes of the African Union (AU) that concern the promotion and protection of the rights and welfare of the child and Agenda 2040.
8. The organisation should also provide information about its participation in AU activities, including:
 - a) participation in relevant events during AU summits and other relevant meetings such as sessions or meetings of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.; and
 - b) collaboration or partnership with the Department of Social Affairs of the AU Commission or any other relevant organs or institutions of the AU.

VII Challenges

9. The organisation should describe the challenges that it faced during the reporting in:
 - a) Promoting the implementation of the Charter;
 - b) Participating in the activities of the Committee and of the African Union;

IX Additional information

10. The organisation may provide any other important additional information that it would wish to share with the Committee such as judicial decisions on child rights issues.

B FORMAT OF THE REPORT

11. The report should be presented in a simple and concise language. It should be written in the third person, avoiding the use of proper names and titles of individuals affiliated to the organisation.

12. The report should not exceed 10 pages or 4,500 words. It should not include footnotes or endnotes. In order to conform to the content requirements of these guidelines, the report should be structured in the following order:
 - a) Introduction
 - b) Operational environment
 - c) Financial status and viability of the organisation
 - d) Activities undertaken to promote the implementation of the Charter
 - e) Contribution to the work of the Committee
 - f) Participation in the activities of the Committee
 - g) Support of the relevant work of the African
 - h) Additional information

13. The report should include a table of contents and a list indicating the meaning of all abbreviations used in the report.

INFORMATION NOTE

The purpose of this Information Note is to provide guidance to the Committee on the general approach to reports submitted to the Committee by NGO pursuant to section V(2) of the Committee's Criteria for Granting Observer Status to Non-governmental Organisations (NGOs) and Associations. The Information Note is a strictly internal document for use by the members of the Committee and its Secretariat. It covers the following aspects: nature of the review; working group on NGOs; reporting cycle; and the outcome of the review process. It also provides brief explanations on specific provisions contained in the Guidelines.

Nature of the review: The review should be viewed as a process that benefits both the Committee and NGOs with observer status. As such, the guidelines have been formulated to ensure that through the reports the Committee will gather information that will enable it to assess, including statistically, trends across the continent on the promotion and protection of child rights.

In order to ensure that the review process does not take considerable time and resources of the Committee, it should be confined to textual analysis of the reports. Only in rare and exceptional circumstances should an NGO be invited to present its report orally before the Committee.

Working Group on NGOs: It is recommended that the Committee creates a working group that will be responsible for reviewing reports and making recommendations to the entire Committee for consideration. This Committee may be comprised

of selected members of the Committee and the Secretariat.

Reporting cycle: The Committee should provide on its website the reporting cycle, setting out dates when reports are due and when they will be considered. The reporting cycle for each NGO should be based on the year in which the NGO received observer status. The Committee should also provide a deadline on when reports should be submitted.

Outcome of the review process: After the conclusion of every review process, the Committee should communicate to the concerned NGO the outcome of the process, including providing an official acknowledgment of the specific contribution of the NGO to the work of the Committee.

EXPLANATORY NOTES ON SPECIFIC GUIDELINES:

	Guideline	Explanatory Note
1	Operational environment	Information provided under this heading will help gathering information that will assist the Committee to assess, across space and time, the environment in which NGOs that work on child rights operate. In recent years, several African governments have enacted laws and policies whose net effect is to reduce the space for civil society operations including those working on child rights. The Committee may use such information when reviewing a state party report submitted pursuant to section 43 of the African Charter on the Rights and Welfare of the Child. When gathered over a substantive period of time, such information could form the basis of formulating a policy document such as a general comment.

2	Financial status and viability of the organisation	The emphasis for information provided under this heading should be on determining what proportion of organisations' actual expenditure go directly into the promotion and protection of the rights and welfare of children. With this information, it will be possible for the Committee to statistically determine trends on spending on child rights by NGOs.
3	Activities undertaken to promote the implementation of the Charter	From information submitted by NGOs under this heading, the Committee should be in a position to collect data on best practices in the promotion and protecting of child rights from various parts of the continent. This information may also be useful for the Committee when considering state party reports submitted pursuant to article 43 of the Charter.
4	Contribution to the work of the Committee Participation in the work of the Committee	These guidelines are meant to encourage NGOs to actively contribute to and participate in the work of the Committee.
5	Support of the relevant work of the African Union	The AU programmes listed under this sub-heading are presented only as examples and the list should not be treated as conclusive. Where new programmes relating to child rights are introduced by the AU, the Committee should require NGOs to also report on their activities targeted towards these new programmes.

6	Challenges	Information provided under this heading should especially assist the Committee to get feedback on challenges that NGOs that engage with it and the AU face in the process. This information should then be used to address those challenges.
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6

Guidelines for Granting Affiliate/ Associate Status to National Human Rights Institutions (NHRIs)

Adopted during the 32nd Session of the ACERWC
November 2018

General

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) recognises the particular role that National Human Rights Institutions (NHRIs) play in promoting, protecting and enforcement of children's rights in Africa. Given their broad mandate as prescribed under the Paris Principles, the Committee notes that NHRIs, as independent organs which enhance the protection of human rights and process of building constitutionalism, can assume a primary role in taking measures to ensure that States fulfill their various obligations under the African Children's Charter. As they operate independently and are deemed to hold Governments accountable, the role of NHRIs in lobbying States to ratify international instruments, in participating in the State Party Report preparation, and in following up the implementation of the recommendations of treaty bodies, like the ACERWC, is not disputable. The Committee also notes that building on their tremendous role in the protection and promotion of children's rights in their respective countries, NHRIs can carry out strategic advocacy in mobilizing the required level of political and social acceptance of protection of children's rights. Against this backdrop and based on the fact that the Committee's relationship with NHRIs can support the execution of its mandate in the monitoring the implementation of the provisions of the Charter, the Committee takes the view that there is need to formalize its relationship with NHRIs in Africa.

The Committee's decision to formalize its relationship with NHRIs is made pursuant to article 42 of the African

Charter on the Rights and Welfare of the Child, which gives the Committee the mandate to cooperate with other institutions that are working on the promotion and protection of the rights and welfare of the child. The Committee also notes that Rule 84 of the Rules of the Procedures of the Committee provides that ‘National Human Rights Institutions established by State Parties to the African Children’s Charter and functioning according to internationally recognized norms and standards may be granted affiliate status with the Committee’. Hence, with a view to operationalizing the provisions of the African children’s Charter and the Rules of Procedure, the Committee adopts the Guidelines on Granting Affiliate/Associate Status to NHRIs before the ACERWC.

Section 1: Purpose and objective of granting Affiliate/ Associate Status to National Human Rights Institutes

1. In granting the Affiliate/Associate Status to NHRIs the Committee shall primarily be governed by the purpose and objective of the African Union and the African Children's Charter;
2. The Committee shall also grant the Affiliate/Associate status with a view to advancing the protection and promotion of children's rights in Africa through better execution of its mandate and full realisation of the Charter at country level.

Section 2: Application for Affiliate/Associate Status

1. An application for Affiliate/Associate Status can be submitted by NHRI established in any African Union Member State.
2. An application for Affiliate/Associate Status shall be addressed and submitted to the ACERWC and shall provide the following information:
 - a. A signed official cover letter which motivates the application;
 - b. Contact address of the applicant NHRI;
 - c. Name, number and year of promulgation of the legal instrument that established the applying NHRI;
 - d. The amount and consistency of its annual budget;
 - e. Its work plan for the application year and latest activity report;
 - f. Summary of its activities in relation to children's rights; and
 - g. Its status and rating at the Global Alliance for National Human Rights Institutions

3. The application documents shall be written in English or French.

4. An application can be submitted in hard copy or soft copy by transmitting signed and sealed application through physical or email address.

Section 3: Consideration of Affiliate/Associate Status by the Committee

1. Upon the receipt of the application for Affiliate/ Associate Status, the Secretariat of the ACERWC shall number and register the application.

2. Once the application is registered, the Secretariat of the Committee shall acknowledge the receipt and transfer the application to the Chairperson of the ACERWC.

3. In consultation with the Chairperson of the ACERWC, the Secretariat shall table the consideration of the application at the immediate subsequent Session of the ACERWC.

4. Once the application is transmitted to the Committee, the Committee may assign one of its Members as a rapporteur to examine the application documents.

5. The assigned rapporteur shall examine the

application in light of the objective and purpose of granting an Affiliate/associate status to NHRIs and the criteria as it is prescribed in these Guidelines.

6. Following the assessment, the assigned rapporteur presents his/her opinion to Members of the ACERWC who shall then deliberate on the application and reach a decision to either accept or reject the application.

7. The Secretariat of the Committee shall transmit the decision of the Committee along with its explanation through a formal letter.

Section 4: Request for additional information

1. The Committee, if it deems necessary, may request the applicant to submit additional information or documents.

Section 5: Criteria for granting Affiliate/Associate Status

1. A NHRI that is applying for an Affiliate/Associate Status before the ACERWC shall fulfill the following criteria:

- a. It is established by a law which prescribes its mandate, functions and independence;
- b. The NHRI shall have a clear mandate to protect and promote human rights in the country it is established in;
- c. Its members are elected by an official act;
- d. It must be provided with sufficient budget and human resource which enables it to effectively execute its mandate to protect and promote human rights;

- e. It must have the mandate to make recommendations to government organs and also to hold government organs accountable for their actions in relation to human rights; and
- f. It must have a mechanism within its operational structure for the enforcement of its decisions.

Section 6: Affiliates/Associates role in the works of the ACERWC

1. A NHRI that is granted an Affiliate/Associate Status before the ACERWC can be involved in the following activities:
 - a. Attend and actively participate in the Open Sessions of the Committee, particularly in Sessions where State Party reports are considered;
 - b. Up on the Committee's approval, the NHRI can also attend the closed Sessions of the Committee as it deems necessary,
 - c. Table an agenda before the Committee pursuant to Rule 33 of the Rules of Procedures of the ACERWC;
 - d. Access the State Party report from which they come from in a timely manner as well as other documents that the Committee decides to be shared;
 - e. Pursuant to the content and form of the revised guidelines on consideration of State Party reports, the NHRI can also submit an alternative/independent report to the Committee following the submission of the report of the Country they are established in;
 - f. Whenever necessary, submit thematic briefings on child rights issues which need the attention of the Committee;
 - g. Assist in the dissemination and implementation of the concluding observations and recommendations of the Committee that have been forwarded to State Party concerned;

- h. Assist the Committee's undertakings such as investigative, follow-up or fact-finding missions in the country of the Affiliate/Associate NHRI and provide relevant information to the Committee on the status of child rights in the State Party;
- i. Follow-up on the implementation of the decisions of the Committee on communications concerning the country the Affiliate is established in; and
- j. Collaborate with the Committee in other child rights activities such as studies and reports.

2. The Committee may request information pertaining to child rights issues and the implementation of the African Children's Charter from the NHRIs. Such information may include;

- a. Issues related to communications which the Committee has received and is considering;
- b. Implementation of decisions and recommendations of the Committee;
- c. Information on the situation of selected thematic child rights issues in the country the Affiliate is established in;
- d. Issues in relation to areas on which the Committee has established special mechanisms; and
- e. Any other issue which the Committee deems necessary for the execution of its mandate.

Section 7- Alternative/Independent report of Affiliate National Human Rights Institutions

1. In accordance with Section 6(1)(e) of these Guidelines, when an Affiliate NHRIs submits alternative/ independent report, the Committee may decide

to consider the report in the presence of the Affiliate NHRI and may hold an interactive dialogue.

2. The Report of the Affiliate shall be treated confidential by the Committee and can only be shared to third parties with express consent by the Affiliate.

3. The independent report should complement the State Party report as well as should provide updates on the status of the implementation of the Charter, the concluding observations and recommendations of the Committee, any kind of recommendations and decisions given to the State Party concerned by the Committee.

Section 8- Relationship between the Committee and Affiliates/Associates

1. Affiliate NHRIs shall submit a report on the activities they have undertaken with respect to child rights matters and in relation to the mandate of the Committee every three years starting from the date of assuming the status before the ACERWC.

2. The Committee may invite Affiliate NHRIs to make presentations or submit briefings on selected matters as it deems necessary.

3. The Committee may assign responsibilities to its Affiliates on its recommendations and decisions to ensure monitoring of their implementation and receive updates on the same.

Section 9- Miscellaneous

1. The Committee does not bear any duty to provide any kind of funding for Affiliate NHRIs on the activities they shall undertake pursuant to these Guidelines.
2. These Guidelines shall come into force within 30 days after adoption by the ACERWC.



Guidelines on Civil Society Organizations (CSOs), Complementary Report, Conduct and Participation in ACERWC Pre-session

Adopted during the 32nd Session of the ACERWC
November 2018

Preamble

Aware that Article 43 of the African Children's Charter mandates the African Committee of Experts on the Rights and Welfare of the Child to receive reports, initially and periodically, from state parties on their implementation of, and compliance with the provisions of the African Charter on the Rights and Welfare of the Child,

Considering the central role reporting plays in the monitoring and implementation of the provisions of the African Charter on the Rights and Welfare of the Child,

Cognizant that for reporting mechanism to be an effective and constructive dialogue, the process must be open, participatory, transparent, objective and inclusive,

Aware of the important role the AU, UN agencies, civil society organizations and individuals with relevant expertise play in widening and deepening the scope and nature of the ongoing dialogue with state parties through reporting processes,

Considering that state parties have guidelines to follow in their reporting obligations,

Desirous to improve and enhance the format and content of the complementary reports, and participation in pre-sessions, the African Committee of Experts on the Rights and Welfare of the Child do hereby issue the following guidelines:

Part one

Section One

Complementary Report

I. General Provisions

1) Definition

- a) **Complementary report:** is a factual, objective, and succinct representation of the ‘actual situation of children on ground’, presented to the Committee by organizations or individuals, and aimed at addressing perceived omissions, deficiencies, or inaccuracies in the official government report.
- b) **Pre-session:** is a meeting organized by the Committee prior to a consideration of a state party report, for organizations or individuals from the country whose state party report is scheduled for consideration to elicit further information and to better understand the actual situation of children and or the implementation of the Charter on the ground.

2) Aims and Purpose of Complementary Report

- i. To provide the Committee with additional, specific, credible and objective information that corroborates or provides alternative information to complement the report presented by the State Party.
- ii. To provide the Committee with complete picture of the status of children and implementation of the Charter in the territory of the State Party.
- iii. To provide the Committee with concrete, country-

- specific, limited in time, realistic and implementable recommendation(s); and
- iv. To further improve the status of children in Africa and implementation of the Charter in the territory of the respective State Parties.

3) Guiding Values and Principles for the Preparation and Presentation of Complementary Report

- i. The information included in a complementary report must be factual, reliable and objective, and supported by verifiable body of evidence. Where possible, the complementary report should provide up-to-date statistical information that may not be reflected in the State Party report.¹
- ii. The process of the preparation of the complementary report should, preferably, be broad, collective and participatory.
- iii. The Complementary report should strive to enhance the quality of constructive dialogue between the Committee and a State Party, rather than condemn or being amere judgmental or antagonistic piece.
- iv. The complementary report should strive to say more with fewer words, biased towards implementation processes and challenges, use reliable and verifiable examples to illustrate the case being made, and clearly cite sources relied on by the author(s).
- v. Complementary reports about children should not be written without them.

¹ In addition to other evidential materials annexed to a complementary report, the list and contact details of participants, date and venue of workshop(s) convened to discuss and or validate complementary report should be attached to the report as an annexure.

Section Two

II. Content and Format of Complementary Report

A. Format

- i. Complementary report should follow the exact similar format of the State Party report.
- ii. Complementary report to an initial State report shall follow the format provided for in this guideline.
- iii. Complementary report to a periodic state report shall:
 - a. Not duplicate information already provided for in the initial State report such as demographic information, except if it is relevant to a periodic report;
 - b. Provide concrete examples of steps and measures a State Party has undertaken to implement the recommendations of the Committee;
 - c. Indicate failure of or inability of a State Party to implement the recommendations of the Committee;
 - d. Any progressive or retrogressive measure(s) undertaken by State Party which has or have implication for the realization of the rights and welfare of the child in the territory of the state party;
 - e. Provide information on any other additional area(s) requested by the guidelines on the periodic State Report.

B. Content

The content of complementary report shall follow the following outline:

- 1) *General Measures of Implementation*

a) Complementary report should highlight good practices, identify gaps, and underline challenges hindering government's ability to:

- i. Put in place appropriate and effective legislations,
- ii. Put in place and adequately resourced and staffed national mechanisms for effective implementation of legislations, policies and action plans,
- iii. Establish or strengthen national bodies such as independent child rights specific ombudspersons,
- iv. Appropriately establish or strengthen national monitoring and evaluation systems to assess impact of interventions on children, and
- v. Enhance widespread public awareness and understanding of the rights in the Charter.

b) The Complementary report should highlight limitations and gaps in the constitutional or legislative measure(s) undertaken by State Party to give effect to, and to realize the rights provided for in the provisions of the Charter.

c) Complementary report should comment on the adequacy or otherwise of national or local mechanisms, funding, staffing and effective coordination of such structures, strategies, policies and programs put in place by government to implement the Charter.

d) Complementary report should provide credible information on the existence, functionality, funding and staffing of national platforms and programs designed to disseminate copies of, and widely make known the principles and provisions of the Charter at all levels of society.

e) Complementary report should identify the main issue(s) responsible for, or challenge(s) hindering effective implementation of the Charter, and provide concrete, realistic and actionable recommendation(s) to rectify the issue or challenges mentioned as well as the role the author(s) envisage playing in realizing the implementation of the recommendations.

2) *Definition of the child*

a) Complementary report should highlight the inconsistency, if any, or the challenge faced in the definition of the child in laws, policies, programs and practices, in light of the provisions of the Charter.

b) Specifically, complementary report should highlight inconsistencies or gaps in the definition of the child and minimum age of, *inter alia*, employment, criminal responsibility, any unfair difference between boys and girls in age definition, age of sexual consent as well as customary definition, capital punishment and life imprisonment, voluntary enlistment in the armed forces, conscription into the armed forces, participation in hostilities, deprivation of liberty, including by arrest, detention and imprisonment, as well as in the areas of administration of justice, asylum seeking and placement of children in welfare and health institutions; giving testimony in courts, in civil and criminal cases.

4) *General Principles*

a) *Non-discrimination*

i. Complementary report should highlight gaps,

inconsistencies or uneven and unfair treatment of the boy and girl child, urban and rural child, able and the child with disability, agrarian and nomadic child, and the child living and working on the street; in laws, policies, programs and practices of government. In this regards, complementary reports should endeavor, where available, to provide disaggregated data by sex, class or fortune.

- ii. Specifically, complementary report should provide concrete examples of any distinction, restriction or preference in the treatment of children, which is based on any ground such as race, color, sex, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by boys and girls in the country, on an equal footing, of all rights and freedoms guaranteed by the Charter.
- iii. Complementary report should identify the major factors or challenges perpetuating discrimination, and provide concrete, realistic and actionable recommendation(s) to rectify the challenge mentioned as well as the roles the author(s) envisage playing in realizing the implementation of the recommendation(s).

b) The best interest of the child

- i. Complementary report should highlight good practices, identify challenges and underline gaps in upholding the best interest of the child with respect to all matters and specially parental responsibility, deprivation of family environment, adoption, restriction of liberty, court hearing on penal matters, and provide examples of the best interest impact assessment activities by government, if any.
- ii. Complementary report should identify gaps, challenges

or failure to mainstream the best interest of the child principle in family law, education, health, cultural and religious policies, programs and practices, and judicial practice.

- iii. Complementary report should identify the factors or challenges and provide concrete, realistic and actionable recommendations to rectify the challenges mentioned as well as the role the author(s) envisage playing in realizing the implementation of the recommendation(s).

c) Life, survival and development

- i. Complementary report should identify good practices, limitations, challenges or failure by government to put in place measures to improve pre-natal care for mothers and babies, reduce infant and child mortality, reduce malnutrition, protect life, prevent deprivation of life, namely by prohibiting and preventing death penalty, extralegal, arbitrary or summary executions or any situation of enforced disappearance of children.
- ii. Complementary report should point out any instance of unwillingness by, or inability of government to provide conducive legislative, policy or programmatic frameworks to ensure dignified living, survival and development of the child. This could be done by highlighting instances of uneven allocation or misallocation of resources that could directly or indirectly impact negatively on the rights of the child.
- iii. Complementary report should identify the major factors or challenge(s) and provide concrete, realistic and actionable recommendation(s) to rectify the challenges mentioned as well as the role the author(s) envisage playing in realizing the implementation of the recommendation(s).

d) Child participation

- i. Complementary report should highlight good practices, identify gaps and underline challenges to ensure that every child capable of forming a view enjoys the right to express that view freely in all matters affecting him or her; that the views of child are given due weight in accordance with age and maturity.
- ii. Complementary report should identify gaps, challenges or failure to fund and staff mechanisms that promote and protect child's ability to receive relevant information and to give his/her views, get the views heard and taken into consideration, and participate in decision making processes that affect his/her life, prosperity and pursuit of happiness.
- iii. Complementary report should identify the main responsible issue(s) or challenges, and provide concrete, realistic and actionable recommendation(s) to rectify the issues mentioned as well as the role the authors envisage playing in realizing the implementation of the recommendation(s).

5) Specific cluster of rights

a) Political rights and freedoms

- i. Complementary report should highlight gaps, challenges or failure to put in place adequately funded and staffed policy structures, strategies and programs that ensure a child has a decent name, that the particulars of his/her birth are registered and

- recognized by law, and that the child has a nationality and lawful identity.
- ii. Complementary report should indicate gaps, challenges or failure to put in place adequately funded and staffed policies, structures, strategies and programs that empower and enable the child to freely express and exchange views and information, associate with other children, and freely choose and practice his religious beliefs compatible with his/her evolving capacity.

b) Abuse and torture

- i. Complementary report should identify gaps, challenges or failure by government and other duty bearers to put in place preventive and protective policies, structures, strategies and programs to ensure that the child enjoys the right to freedom from abuse, torture and fear.
- ii. Complementary report should identify the major factors or challenge(s) and provide concrete, realistic and actionable recommendation(s) to rectify the challenges mentioned as well as the roles the authors envisage playing in realizing the implementation of the recommendation(s).

c) Family and alternative care

- i. Complementary report should highlight good practice, limitations, gaps or failure by government to put in place laws, policies, mechanisms, strategies and programs or any implementation challenges to facilitate parental

guidance and responsibility, prevent separation of children from their family environment, and whenever this is impossible, ensure that separation is carried out safely, in the best interest of the child and appropriate follow up mechanisms are put in place.

- ii. Complementary report should endeavor to provide, whenever available, desegregated data with respect to children covered under this section.
- iii. Complementary report should identify the major factors or challenges and provide concrete, realistic and actionable recommendations to rectify the challenges mentioned as well as the role the authors envisage playing in realizing the implementation of the recommendations.

d) Health and welfare

- 1) Complementary report should highlight good practices, measures taken, limitations, challenges or failure of those measures and programs to:
 - a. Reduce stillbirth and infant mortality rate,
 - b. Improve environmental hygiene,
 - c. Prevent, treat and control epidemic and endemic diseases,
 - d. Improve child and maternal health, sexual and reproductive health services,
 - e. Establish and adequately fund effective and functional primary health services that are context-specific and relevant, and incorporate effective public education and awareness strategy.
- 2) Complementary report should identify gaps, challenges

or failure of government to put in place effective laws, adequately funded and staffed policy structures, strategies and programs to provide children with available, accessible, adequate, and culturally acceptable health goods and services, social security and child care services specially for less privileged and disadvantaged children.

- 3) Complementary report should identify the major factors or challenge(s) and provide concrete, realistic and actionable recommendation(s) to rectify the challenge(s) mentioned and the roles the author(s) envisage playing in realizing the implementation of the recommendation(s)

e) Education, leisure and cultural activities

- 1) Complementary report should highlight good practices, identify gaps in, and underline challenges faced by government to:
 - a. Provide free, compulsory primary education for all children, specially the girl child, children with disability, children of minority groups, children from the rural areas, internally displaced children, and refugee children,
 - b. Ensure that basic education programs are accessible, inclusive and responsive to children's needs, reduce gender disparities,
 - c. Ensure that learning environment is safe and free from fear
 - d. Develop a responsive, participatory and accountable system of education governance and

management.

- 1) Complementary report should highlight good practices, gaps, challenges or failure by government to put in place laws, policies and adequately funded and staffed mechanisms, strategies and programs to provide relevant, qualitative and safe education to boys and girls. Whenever possible, complementary report should provide desegregated data by sex, status, geographically location of boys and girls accessing quality education.
- 2) Complementary report should identify the major factors or challenges and provide concrete, realistic and actionable recommendations as well as the role the authors envisage playing in realizing the implementation of the recommendations.

f) Special protection measures

- a. Complementary report should highlight good practices, identify gaps and underline challenges in laws, policies, mechanisms and programs that affect the prevention of and protection of children from violence in all settings including: all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation, sexual violence and torture and other cruel, inhuman or degrading treatment or punishment.
- b. Complementary report should highlight the existence and functionality of, or lack of a multifaceted and systematic framework to respond to violence against children which is integrated into national planning processes; provide

accessible, child-sensitive and universal health and **psycho**-social services, including pre-hospital and emergency care, legal assistance to children and, where appropriate, their families when violence is detected or disclosed.

- c. Complementary report should identify measures, gaps and limitations affecting the establishment of safe, well-publicized, confidential and accessible mechanisms for children, their representatives and others to report violence against children.
- d. Complementary report should document any instance of unwillingness and inability of government to bring all perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions.
- e. Complementary report should provide statistics that desegregate on the basis of the following categories:
 - i. Children in situations of emergency:
 - ii. Refugee, returnee and displaced children,
 - iii. Children in armed conflicts, including specific measures for child protection and care
 - iv. Children in conflict with the law:
 - v. The administration of juvenile justice
 - vi. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting and compliance with the provisions of Article 5(3) of the Children's Charter prohibiting death sentences on children

- f. Children of imprisoned mothers:
 - i. Special treatment to expectant mothers and to mothers of infants and young children who have been found guilty by law
 - ii. A mother shall not be imprisoned with her child
 - iii. Reformation, integration of the mother into the family and social rehabilitation
- g. Children in situations of exploitation and abuse
- h. Economic exploitation including: Child Labour, drug abuse
 - i. Abuse and torture
 - j. Sexual exploitation and sexual abuse
 - k. Other forms of abuse and exploitation, such as begging, early pregnancy, etc.
 - l. Sale, trafficking and abduction
- m. Children victims of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child:
 - i. Betrothal of girls and boys
 - ii. Early and forced marriage
 - iii. Any form of female genital mutilation
 - iv. Any other form of harmful social and cultural practices
- n. Children belonging to a minority group
- o. Children who need special protection on account of being in risky or vulnerable conditions and situations such as street children or HIV/AIDS orphans
- p. Any other emerging or unforeseen problem

g. Responsibility of the child

Complementary report should document good practice, identify gaps, limitation or failure of government to put in place relevant laws, policies, structures, strategies and programs to promote and facilitate the responsibility of boys and girls towards their parents, family, community, superiors, their country and the continent.

6) Practical provisions

- i. Complementary report should not be more than 7500 words or 30 pages whichever comes first.
- ii. Complementary report should have a 3 page executive summary, each heading or sub heading should identify a need, point out the main issue(s) responsible for the need and provide concrete recommendation(s) to meet the need.
- iii. 15 hard copies of complementary report should be submitted in English and French to the secretariat of the Committee. In addition, soft copies may be sent through e-mail to the secretariat of the Committee.
- iv. The Cover page of the Complementary Report should indicate the full address of the Organization, including P.O. Box, Email and Telephone Number.
- v. Complementary report should be submitted 6 months to the date when state report is due for consideration, and at least 3 months before the date of a pre-session.
- vi. In order to be invited, author(s) of a complementary report must specifically request for participation in the pre-session.
- vii. The Committee shall keep complementary reports confidential. The Committee may decide at its discretion to make public a complementary report whenever it deem fit except the author(s) decides

- otherwise.
- viii. Where a complementary report was submitted to the UN CRC Committee and the information provided for in that report has not been largely over taken by events, the author(s) may submit the same report to the Committee, provided that the African Charter specific provisions are reported on as an addendum to that report.

Part Two

III. Pre-session

7) *The purpose*

- i. A pre-session is convened to conduct a preliminary review of a state party report and to examine complementary information.
- ii. To identify areas of concern, list of issues and questions that will need to be addressed by the state party either in a written submission or orally.
- iii. To finalize preparation for the session in which a state party report is scheduled for consideration.

8) *Participation in the Pre-session*

- i. Participation in pre-session is strictly made through invitation and at the discretion of the African Committee of Experts on the Rights and Welfare of the Child.
- ii. Individuals or organizations may request participation in the pre-session. The Committee reserves the right to

- grant or deny such a request without providing justification for such a decision.
- iii. A request from individuals or organizations shall be directed to the secretariat of the Committee at least three months before the date of the pre-session.
 - iv. The Committee may extend invitation, at its own discretion, to the following:
 - a. AU and UN Agencies and bodies with relevant information and expertise that could add value to the conduct of a pre-session.
 - b. NGOs or Coalitions of NGOs that have submitted complementary report and have requested to participate in a pre-session.
 - c. Individuals who have either submitted complementary report or possess valuable information and expertise the Committee deems necessary to the proceeding of a pre-session.
 - d. Invitation is strictly limited to the pre-session of state report mentioned in the invitation letter.
 - e. Participants shall be responsible for covering the cost of their participation.

9) *Conduct of pre-session*

- i. The chairperson of the pre-session working group of the Committee shall direct the proceeding of the pre-session.
- ii. For the purpose of the pre-session, and where a group of individuals or organizations have prepared one complementary report, such a group of individuals or organizations shall appoint one focal person or

organization for administrative as well as smooth conduct of the pre-session.

- iii. Invited participants shall be asked after the opening remarks of the Chairperson and any other designated person (s), to make opening statements highlighting the process of their report writing, opinion on state party report, key issues of concern, and any update information on the status of children in their country since the written report was submitted, and may hand over to the Committee any additional evidence in its possession.
- iv. Such opening remarks shall not exceed 10 minutes except the chairperson decides otherwise. Copies of oral statements must be submitted in advance for the purpose of interpretation.
- v. The chairperson may ask AU and UN agencies or other invited experts to make oral presentation in accordance with the above stated procedures.
- vi. After the presentations, the chairperson will give the floor to Committee members to ask questions and obtain clarifications.
- vii. The presenters will be given floor by the chairperson to respond to questions asked and to offer clarifications. Such response should not take more than 5 minutes except the chairperson decides otherwise.
- viii. The proceedings of the pre-sessions shall be considered and conduct in line with the rules governing the closed sessions of the Committee.
- ix. The proceedings of the pre-session shall be confidential.
- x. A breach of confidentiality rule of the Committee shall be treated as a disciplinary case.
- xi. The Committee shall send invitation to participants at

- least three months before the date of a pre-session.
- xii. Pre-sessions shall be conducted at least three months before the date a state report is due for consideration.

IV. Miscellaneous provisions

a) Coming into force

These Guidelines shall take effect 30 days after the date on which they were adopted.

b) Amendment

- 1) The Committee may, by simple majority, amend these guidelines and disseminate the amended version to stakeholders.
- 2) Such amendment(s) shall take effect immediately.

c) Citation

These guidelines may be cited as 'the Guidelines on Complementary Report, the Conduct of and Participation in Pre-session of the African Committee of experts on the Rights and Welfare of the Child'.

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