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**Cmttee/ACRWC/2 II. Rev2**

**GUIDELINES FOR INITIAL REPORTS OF STATES PARTIES  
(PREPARED BY THE AFRICAN COMMITTEE OF EXPERTS ON  
THE RIGHTS AND WELFARE OF THE CHILD PURSUANT TO  
THE PROVISION OF ARTICLE 43 OF THE AFRICAN CHARTER  
ON THE RIGHTS AND WELFARE OF THE CHILD)**

**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, civil strifes, or natural disasters (Articles 19.2&3 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)
  - g) 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<br>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<br>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.I(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.

## **XII. AMENDMENTS**

26. These guidelines may be amended by the Committee from time to time.