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**PROCEDURES FOR THE CONSIDERATION
OF STATE PARTY REPORTS**

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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-sessional 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. 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 endeavour 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.