

*Annexure:*  
**Guidelines for initial reports of state parties to the African Charter on the Rights and Welfare of the Child**

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. Adopted at the Second Meeting of the African Experts on the Rights and Welfare of the Child, Nairobi, Kenya, 17 to 21 February 2003.

Cmttee/ACRWC/2 II Rev 2

**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 Children's Charter shall undertake to submit to the Committee through the Chairperson of the Commission of the African Union, 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 Children's 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 Children's Charter in the relevant country; and
  - (b) shall indicate factors and difficulties, if any, affecting the fulfilment of the obligations contained in the Children's Charter.'
- 3 The African Committee believes that the process of preparing a report for submission to the African Committee offers an important

occasion for conducting a comprehensive review of the various measures undertaken to harmonise 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 African Committee further considers that the reporting process entails an ongoing reaffirmation by state 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 state parties and the African Committee.
- 5 The African 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 indicators referred to therein, which will be made available to members of the African 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 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 recognised by the Children's Charter.

## II General measures of implementation

- 8 Under this section, state 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 realise 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 co-ordinating 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 State 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 of 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, state 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, state 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, state 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 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), 19(3), 25
  - (d) Family reunification and children deprived of a family environment Article 25(2)(b)
  - (e) Recovery of maintenance for 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, state 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 State 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, state 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, state parties are requested to specify the nature and extent of co-operation with local, national, regional and international organisations, concerning the implementation of this area of the Children's Charter. State 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, state 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, state parties are requested to specify the nature and extent of co-operation with local, national, regional and international organisations, concerning the implementation of this area of the Children's Charter. State 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, state parties are requested to provide relevant information, including the principal legislative, 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:



**X Responsibilities of the child**

- 23 Under this section, state 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 its report to the UN Committee on the Rights of the Child is required to re-submit such report to the African Committee together with a supplementary report devoted to the provisions of the Children's Charter not duplicated in the CRC.
- 25 The supplementary report must specify the action taken by the state party in response to any recommendations made to it by the UN Committee on the Rights of the Child.
- 26 If a state party has not yet submitted an initial report to the UN Committee on the Rights of the Child, the state party shall be invited to prepare a complete report on all the provisions of the Children's Charter.

**XII Amendments**

- 27 These guidelines may be amended by the African Committee from time to time.