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**AFRICAN COMMITTEE OF EXPERTS ON  
THE RIGHTS AND WELFARE OF THE  
CHILD (ACERWC)**

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



## **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.<sup>1</sup>
- 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 a mere 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.

## **Section Two**

### **II. Content and Format of Complementary Report**

#### **A. Format**

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<sup>1</sup>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.

- 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.
- 2) 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.
- 3) 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’

***Adopted on the 15<sup>th</sup> November 2012 in Addis Ababa, Ethiopia and came into effect on the 14<sup>th</sup> December 2012***