



African Committee of Experts on the
Rights and Welfare of the Child
(ACERWC)

STATES PARTIES REPORTING GUIDELINES

- Guidelines for Initial Reports of States Parties
under the African Charter on the
Rights and Welfare of the Child
- Guidelines on the Form and Content of Periodic
State Party Reports Submitted Pursuant
to Article 43(1)(b) of the African Charter
on the Rights and Welfare of the Child.

NOTE:

This document combines Initial and Periodic Reporting Guidelines for State Parties under the African Children's Charter. States Parties to the African Children's Charter are expected to submit reports on the measures they have adopted to give effect to the provisions of the Charter. Article 43 of the Charter thus request States Parties to submit an "Initial Report" within two years of the entry of force of the Charter, and thereafter a "Periodic Report" every three years.

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**GUIDELINES FOR INITIAL REPORTS OF STATES
PARTIES UNDER THE AFRICAN
CHARTER ON THE RIGHTS AND WELFARE
OF THE CHILD**



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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)
- 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 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 mutilatio; (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 Chil-

dren'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.

**GUIDELINES ON THE FORM AND CONTENT
OF PERIODIC STATE PARTY REPORTS TO
BE SUBMITTED PURSUANT TO ARTICLE 43(1)(B)
OF THE AFRICAN CHARTER ON THE RIGHTS
AND WELFARE OF THE CHILD**

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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 her children. These guidelines apply to periodic reports that are submitted every three years. The Committee has issued separate guidelines for initial reports.¹

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.

¹ 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), Cmttee/ACRWC/2 II. Rev 2

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 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.

g) 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:

- Literacy rates of children and adults;
- Gross and net enrollment and attendance rates for primary and secondary schools and vocational training centers;
- 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 infor-

mation 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. Coming into force

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

37. 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.

38. Citation

These guidelines may be cited as Guidelines on the Form and Content of Periodic State Party Reports Submitted Pursuant to Article 43(1)(b) of the African Charter on the Rights and Welfare of the Child.

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