



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

GUIDELINES FOR IMPLEMENTAION OF DECISIONS ON COMMUNICATIONS

Table of Contents

Preamble..... 3

Definitions 3

SECTION I. IMPLEMENTATION OF DECISIONS ON COMMUNICATIONS 4

SECTION II. PROCEDURE FOR IMPLEMENTATION HEARING..... 4

 1. General provisions..... 4

 2. Implementation Hearing..... 5

SECTION III. OUTCOME OF THE IMPLEMENTATION HERING 6

SECTION IV. FINAL PROVISIONS 6

 i. Interpretation..... 6

 ii. Amendments 6

 iv. Entry into Force of the Guidelines 7

PREAMBLE/BACKGROUND/INTRODUCTION

These guidelines are intended to regulate the procedure to be followed in ensuring implementation of decisions on Communications submitted to the African Committee of Experts on the Rights and Welfare of the Child pursuant to Article 44 of the African Charter on the Rights and Welfare of the Child. It is applicable for decisions in which the Committee finds a State Party in violation of any of the provisions of the Charter and gives recommendations to be implemented by the State.

The Guidelines provide for an implementation hearing, the purpose of which is to guide a State Party to a Communication in implementing the recommendations of the Committee and to take the necessary action in instances of failure to implement the decision of the Committee.

In the absence of provisions in these Guidelines or in case of doubt as to their interpretation, the Committee shall decide.

DEFINITIONS

For the purposes of these Rules:

“Assembly” means the Assembly of Heads of State and Government of the African Union.

“African Children’s Charter” or *“the Charter”* means the African Charter on the Rights and Welfare of the Child.

“Chairperson” means the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child.

“Committee” refers to of the African Committee of Experts on the Rights and Welfare of the Child.

“Communication” shall be understood to be any complaint received by the Committee in accordance with Article 44 of the African Charter.

“*Revised Communication Guidelines*” refers to the Revised Guideline for the Consideration of Communications Provided for in Article 44 of the African Charter on the Rights and Welfare of the Child

“*Session*” refers to the statutory meetings of the Committee. This includes Ordinary and Extraordinary sessions.

“*State Party*” means a Member State which has ratified the African Children’s Charter

SECTION I. IMPLEMENTATION OF DECISIONS ON COMMUNICATIONS

- 1) The Committee, after issuing recommendations to a State Party found to have violated the Charter, should ensure the implementation of the recommendations thereof. The designated rapporteur of the concerned Communication shall be responsible for following up on the implementation.
- 2) If a State Party to a communication, which is found to have violated the Charter, submits its implementation report in accordance with the Revised Communication Guidelines Section XII (1), the designated rapporteur shall suggest whether or not a hearing on implementation is required.
- 3) A hearing on the implementation of recommendations of the Committee on a communication can be called if the Committee decides a report submitted on the measures taken to implement its recommendations, lacks clarity or is unsatisfactory.

SECTION II. PROCEDURE FOR IMPLEMENTATION HEARING

1. General provisions

1. The Committee, may conduct a hearing on implementation of recommendations by inviting a State Party to a Communication to present oral report before the Committee on all measures taken to implement the decision of the Committee
2. The purpose of this hearing is for the Committee to be informed on the extent to which the decision given by the Committee is implemented and to identify factors any difficulties affecting the implementation of the decision and guide the State Party on the full implementation of the decision.

3. The implementation hearing shall take place during the first session of the Committee following submission of implementation report by the State Party.
4. Upon receipt of implementation report, the Secretariat of the Committee shall transmit the implementation report to applicants.
5. Once the implementation report is transmitted to the applicants, the Secretariat shall fix date of implementation hearing and notify the parties within 30 days after the Decision.
6. The notification of the hearing shall include the dates and venue of the session, and period of the session during which the hearing is likely to take place.

2. Implementation Hearing

1. The parties shall inform the Committee the names and functions of the persons who will appear on their behalf at the hearing at least ten days before the date of the opening of the implementation hearing.
2. The Chairperson or any member delegated by the Chairperson shall preside over the hearing, and shall verify the identity of any persons before he/she is heard.
3. The Chairperson or any member delegated by the Chairperson shall invite the representative of the Respondent State to present implementation report following identification of parties.
4. The report that is presented shall:
 - a. Indicate measures taken by the Respondent State to implement decision of the Committee;
 - b. Indicate factors and difficulties, if any, affecting the implementation of decision of the Committee;
 - c. State the reason for not taking measures to implement decision of the Committee in case the Respondent State fails to take any measure to implement decision of the Committee.
5. Any member of the Committee may put questions to the Respondent State with the permission of the Chairperson once the report is over.

6. Applicants shall be given the opportunity to reflect their opinion on the report presented.
7. The reflection of applicants shall:
 - i. Reflect on implementation status of the decision of the Committee;
Indicate gaps in the implementation of the decision and measures that should be taken to fill those gaps;
 - ii. Reflect on the factors that hinder the Respondent State from taking measures to implement the decision if the respondent State has not taken any measure to implement the decision of the Committee.
8. Implementation hearings may be conducted in open session unless otherwise the Committee requires it to be in closed session.

SECTION III. OUTCOME OF THE IMPLEMENTATION HEARING

Following the implementation hearing, the Committee shall:

- a Adopt guiding recommendations that enable the Respondent State to fully implement the decision of the Committee
- b Refer the matter to the Assembly of the African Union for appropriate intervention if Respondent State failed to take any measure towards implementing the decision of the Committee.

SECTION IV. FINAL PROVISIONS

9. Interpretation

The Committee shall have the mandate to interpret the present Guidelines In conformity with the provisions of the African Children's. For the purpose of the interpretation of these rules, the headings are for reference purposes only and do not form part of the Rules.

- iii. Amendments
 - a) These Guidelines may be amended by the Committee; any proposal for amendment shall be adopted by a consensus; if no consensus reached the Committee may amend the Guidelines by simple majority.

iv. Coming into force

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

iv. Entry into Force of the Guidelines

The present Guidelines shall enter into force three months after their adoption by a simple majority of members of the Committee present and voting at a session where the Guidelines are scheduled to be adopted.