



ACERWC

African Committee of Experts on  
the Rights and Welfare of the Child

# REVISED RULES OF PROCEDURE

September 2020

# **Revised Rules of Procedure of the African Committee of Experts on the Rights and Welfare of the Child**

## **Preamble**

The African Committee of Experts on the Rights and Welfare of the Child in accordance with Article 38 of the African Charter on the Rights and Welfare of the Child adopts the present Rules of Procedure.

These rules regulate the organization and establish the procedure of the African Committee of Experts on the Rights and Welfare of the Child. In the absence of provisions in these Rules 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 Commission"* or *"Commission"* means the African Commission on Human and Peoples' Rights.

*"African Court"* or *"Court"* means the African Court on Human and Peoples' Rights.

*"African Children's Charter"* or *"the Charter"* means the African Charter on the Rights and Welfare of the Child.

*"Bureau"* refers to the elected officers of the Committee in accordance with these Rules.

*"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.

*"Communications"* shall be understood to be any complaint received by the Committee in accordance with Article 44 of the African Charter.

*"Communique"* means any statement of the Committee released to the public.

*"Executive Council"* refers to the Executive Council of the African Union.

*"General Comments"* shall be understood to be detailed analysis done by the Committee on particular provisions of the African Children's Charter for the purpose of in-depth interpretation and understanding of the Charter.

*"Member State"* means a member state of the African Union.

*“Mission”* refers to the fact finding and investigation visits, follow up visits to State Parties to monitor implementation of concluding observations and recommendations, advocacy and synthezation visits to Member States.

*“Paris Principles”* refer to the United Nations Principles relating to national institutions for the promotion and protection of human rights adopted by the General Assembly of the United Nations under Resolution 48/144 of 20<sup>th</sup> December 1993.

*“Quorum”* means the required number of attendance of the Committee members to deliberate and pass a decision on a matter before the Committee.

*“Rules”* means the present Rules of Procedures.

*“Secretariat”* refers to the Secretariat of the Committee.

*“Secretary”* refers to the Secretary of the Committee.

*“Special mechanism”* shall be understood to be special rapporteur, working group, study group, sub-committee or other subsidiary body established by the Committee with a specific mandate.

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

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

*“Working Languages”* refers to the working languages of the African Union.

## **CHAPTER I : THE COMMITTEE AND MEMBERS**

### Rule 1: Nature and composition of Committee

1. The African Committee of Experts on the Rights and Welfare of the Child is an Organ created by the African Union in accordance with article 32 of the African Children's Charter with mandate to promote and protect the rights and welfare of the child and monitor the implementation of the African Charter on the Rights and Welfare of the Child.
2. In conformity with Article 33 of the African Charter, the Committee is composed of 11 members of high moral standing, integrity, impartiality and competence in matters of the rights and welfare of the child.
3. Members of the Committee must have the nationalities of the State Parties to the African Children's Charter and shall serve in their personal capacity.

### Rule 2 Term of office

1. Pursuant to article 37 of the African children's Charter, the members of the Committee are elected for five years and shall be eligible for re-election once.
2. If a member of the Committee re-elected to replace a member whose term of office has expired or will expire, the term of office shall begin from that expiry date.
3. In conformity with article 39 of the African Children's Charter, the member of the Committee elected to replace a member whose term has not expired, shall complete the term of her/his predecessor.

### Rule 3 Precedence

1. Members of the Committee, in the exercise of their mandate, are of equal status irrespective of age or length of service.
2. In the conduct of their internal processes, the members of the Committee shall follow the Chairperson and Vice Chairperson in order of precedence according to their seniority in office. When there are two or more members with equal seniority, precedence shall be determined according to seniority of age.

### Rule 4: Incompatibility

1. Membership of a Committee is incompatible with any activity that might interfere with the independence, impartiality, moral standing and integrity of such Member or the demands of the office of the African Committee of Experts on the Rights and Welfare of the Child.
2. Each member of the Committee shall be responsible to declare to the Chairperson or to the Vice Chairperson any other activities that might compromise the Committee.
3. The Chairperson of the Committee shall notify the Chairperson of the African Union Commission, the decision in respect to incompatibility together with all relevant materials for the purpose of Article 39 of the African Children's Charter.

## Rule 5 Resignation, cessation of function or death of a member of the Committee

1. A member of the Committee may resign from her/his position anytime by furnishing a written notification to the Chairperson of the Committee who shall notify the Chairperson of the African Union Commission.
2. If a Committee member has, in the unanimous opinion of other members of the Committee, stopped discharging her/his duty for any reason other than temporary absence, the Chairperson of the Committee shall declare the cessation of function of the member concerned and shall notify the Chairperson of the African Union Commission of the same.
3. In the event of death of a member of the Committee, the Chairperson shall immediately notify the Chairperson of the African Union Commission of the same.
4. The Chairperson of the African Union Commission shall upon receipt of a notification under the forgoing sub-rules, declare the seat vacant and take appropriate action to ensure the vacancy is filled in accordance with Article 39 of the African Charter.

## **CHAPTER II: BUREAU OF THE COMMITTEE**

### Rule 6 - Composition of the Bureau

1. The Bureau of the Committee shall be composed of a Chairperson, the ViceChairperson, and a Rapporteur.

### Rule 7 Election of the Bureau

1. The Committee shall, on the basis of rotation, taking regional and gender representation into consideration, shall elect the Bureau for a period of two years.
2. Election shall be by secret ballot; the Committee decides on another procedure.
3. An affirmative vote of a simple majority of members present and voting shall be required for an election referred to under Rule 7(l).
4. Should it be necessary to hold more than one ballot for election into any of these positions, the nominees receiving the lowest vote shall be eliminated successively.
5. When only one person or member is to be elected and no candidate in the first ballot obtains the affirmative vote of an simple majority of members present, a second ballot shall be taken, which shall be restricted to the top two candidates who obtained the greatest number of votes.
6. If the second ballot is inconclusive, a third ballot shall be taken on the basis of a simple majority in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating until a person or member is elected.
7. When two or more elective positions are to be filled at one time, those candidates obtaining the two-thirds majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of elective positions, there shall be additional ballots to fill the remaining positions on the basis of a simple majority.

#### Rule 8 Term of office of the members of the Bureau

1. The term of office of the members of the Bureau of the Committee shall be two years. The term of office shall run from the date of election until the election held the next election.
2. The position of the Chairperson shall not be eligible for re-election.
3. Other Members of the Bureau may be re-elected to their various position only once during their membership of the Committee provided that their term of office does not come to an end before the expiry of the term of office of the Bureau.
4. If any member of the Bureau, before the normal expiry of her/his term of office, ceases to be a member of the Committee or resigns from the Bureau, the Committee shall as soon as possible elect a successor to hold office for the remainder of the her/his term.

#### Rule 9: Powers and Functions of the Bureau

1. The Bureau shall coordinate and supervise the promotional and protective activities of the members of the Committee and its special mechanisms as established from time to time.
2. The Bureau shall oversee and coordinate the work of the Secretariat of the Committee which shall include the preparation of work plan and budget of the Committee.
3. The Bureau shall provide recommendations to the Chairperson on the appointment of the Secretary and shall make an annual assessment of the performance of the Secretary to the Committee, and submit this assessment to the Committee for its consideration.

#### Rule 10: Powers and Functions of the Chairperson

1. The Chairperson of the Committee shall perform the functions assigned to her/him by the African Children's Charter, the Rules of Procedure, and the decisions of the Committee, the African Union Assembly and African Union Policy Organs.
2. In particular, the Chairperson shall:
  - a. Direct the work of the Committee and follow up compliance with its work plan;
  - b. Convene the Ordinary and Extraordinary sessions of the Committee in accordance with this Rules of Procedure and the decisions of the Committee;
  - c. Preside over the meetings of the Committee;
  - d. represent the Committee before the organs, bodies and institutions of the African Union and other institutions;
  - e. follow up compliance with the decisions, and implementation of the recommendations of the Committee;
  - f. Maintain oversight function over the activities of the Secretariat;
  - g. Consult with the Chairperson of the African Union Commission on the appointment of a secretary to the Committee whenever the post is vacant;
  - h. Submit the assessment report referred to in Rule 9 to the relevant department of the African union Commission

- i. Direct and supervise the preparation of the budget of the Committee by the Secretariat and its adoption by the Committee;
  - j. Present and defend the budget of the Committee before the relevant organ of the African Union;
  - k. Present the Activity Report of the Committee to the Assembly of the African Union;
  - l. Maintain relations with the organs and institutions of the African Union and departments of the African Union Commission;
  - m. Perform other functions that may be conferred upon him/her in these Rules or other tasks entrusted to him /her by the Committee or the Assembly.
3. The Chairperson may delegate the above-mentioned powers and functions to the vice chairpersons or any member of the Bureau or the Committee where necessary.

#### Rule 11: Powers and functions of the Vice-Chairperson

1. In the event the chairperson resigns from the bureau or is temporarily unable to perform his or her functions, his/her functions shall be performed by the vice Chairperson or the rapporteur until the Committee elects a new chairperson or the Chairperson resumes his or her functions.
2. The Vice-Chairperson acting in the capacity of the Chairperson shall have same powers and functions as the Chairperson.
3. The Vice-Chairperson shall perform any other function delegated to them by the Chairperson or the Committee.

#### Rule 12: Powers and functions of the Rapporteur

1. Oversees the report of the proceedings by the secretariat.
2. Coordinates the compilation of reports by the Secretariat in compiling reports of the Committee's Sessions

#### Rule 13: Vacancies in the Bureau

1. If a member of the Bureau resigns from his/her position or ceases to be a member of the Committee, the remaining members shall represent the Bureau until the next session, where the Committee fills the position for the remainder of the term.

## **CHAPTER III SECRETARIAT TO THE COMMITTEE**

### Rule 14 Composition and organisation of the Secretariat

1. The Secretariat of the Committee shall comprise the Secretary, and other professional, technical and administrative staffs that the Committee may require for the effective exercise of its functions.
2. The Committee shall prescribe the structure, powers and functions of the Secretariat and shall place it before the relevant Organ for approval.

### Rule 15: Appointment of Staff of the Secretariat

1. In accordance with article 40 of the African Children's Charter, the Chairperson of the African Union Commission shall appoint the Secretary to the Committee after consultation with the Chairperson of the Committee.
2. Appointments to such other positions as the Committee shall determine may be made by the Secretary in consultation with the relevant department of the African Union Commission and the Chairperson of the Committee.
3. The staff of the Secretariat shall be subject to the Staff Rules and Regulations of the African Union Commission.
4. Notwithstanding paragraph 3 above, the Committee shall preserve the power to appoint other staff outside the auspices of the African Union.

### Rule 16 Functions of the Secretariat

1. The Secretariat under the authority of the Secretary shall provide the Committee with technical and logistical support desired for the effective functioning of the Committee.
2. The Secretariat shall prepare draft documents, reports and statement of the Committee and shall process correspondences, petitions and communications addressed to the Committee.
3. The Secretariat may also request that interested parties provide any information it deems relevant, in accordance with the provisions of these Rules of Procedure.
4. The Secretariat shall undertake any other technical or administrative assignment entrusted to it by the Committee or by the Chairperson.

### Rule 17: Functions of the Secretary to the Committee

1. The Secretary to the Committee shall, under the general direction of the Chairperson, be responsible for the coordination and supervision of all the operations and activities of the Secretariat.
2. The Secretary shall in particular:
  - a. assist the Committee and its members in the exercise of their functions;
  - b. co-ordinate, supervise and evaluate the work of the staff of the Secretariat
  - c. In consultation with the Chairperson prepare:
    - i. a draft agenda for each session;
    - ii. the Committee's strategic plan, annual work plan and annual budget;



- iii. reports of each session
- iv. guidelines on missions for adoption by the Committee;
- d. organize sessions in consultation with the Chairperson of the Committee
- e. assist in the preparation of draft activity reports and mission reports or any other reports required under this Rules of Procedure or by the decision of the Committee;
- f. present a written report to the Committee at the beginning of each session on the activities of the Secretariat carries out during the intersession;
- g. assist in maintaining relations between the Committee and the organs and institutions of the African Union and departments of the African Union Commission
- h. Implement the decisions entrusted to her/him by the Committee or the Bureau;
- i. Serve as the regular channel for all communications concerning the Committee, and in particular effect all communications, notifications and transmission of documents required by the present Rules or the Chairperson;
- j. Maintain custody of the archives of the Committee;
- k. Make available to the general public information and documents that are not confidential, and ensure the publication of any document in the working languages of the Committee as required under these Rules or by the Committee including posting on the website of the Committee;
- l. Assess the performance of the staff of the Secretariat

3. The Committee may assign additional functions to the Secretary as deemed necessary.

#### Rule 18: Confidentiality of the work of the Committee

1. The staff of the Secretariat must observe the principle of confidentiality in all matters that the Committee considers confidential as stipulated under the Charter and these Rules.

## **CHAPTER IV : FINANCES OF THE COMMITTEE**

### Rule 19: Budget and Financial responsibilities

1. The Budget of the Committee shall be provided by the African Union and shall be governed by the African Union financial rules.
2. The expenses of the Committee, emoluments and allowances for the members of the Committee and the budget of the Secretariat shall be borne by the African Union, in accordance with criteria laid down by the African Union in consultation with the Committee.
3. The Committee may seek or accept contributions from external sources to support its work in accordance with the African Union rules.

### Rule 20: Estimates

1. When the Committee considers a proposal entailing expenses, the Secretary shall prepare and present to the members of the Committee, as soon as possible after the proposal is made, a report outlining the financial implications of the proposal.

## **CHAPTER V : LANGUAGE**

### Rule 21: Working languages

1. The working languages of the Committee shall be those of the African Union.
2. The proceedings of the Committee shall be conducted in any of its working languages. All official decisions and documents of the Committee shall be made available in the working languages of the Committee.
3. Notwithstanding, the committee may, in the best interests of a child/children concerned, permit any person to use a language of her/his choice if it is shown that he/she does not have sufficient knowledge of any of the working languages of the Committee.

### Rule 22: Interpretation from a working language

1. Statements made in any of the working languages shall be interpreted into the other working language.

### Rule 23: Interpretation from a non-working language

1. Any person addressing the Committee in a language other than one of the working languages pursuant to Rule 21(3) shall provide and bear the expenses of interpretation into one of the working languages.
2. The interpreters of the Secretariat shall take the interpretation of the original language as the source language for their interpretation in the other working language.

## **CHAPTER VI: SESSIONS**

### **Rule 24: General principles on sessions**

1. The Committee shall hold Ordinary and Extraordinary Sessions as may be required for the effective performance of its functions in accordance with the African Children's Charter. The Committee may conduct its deliberations in open or closed session as appropriate.
2. The Committee may hold a Press Conference immediately after the opening ceremony of its Sessions.
3. The Committee may also issue a Communique at the end of each Sessions.

### **Rule 25: Ordinary Sessions**

1. The Committee shall hold two Ordinary Sessions annually, unless the Committee decides otherwise.
2. The Ordinary Sessions of the Committee shall be convened on dates set by the Committee. Where possible, the date and place of the next ordinary session shall be determined prior to the conclusion of each period of Ordinary Sessions.
3. The Chairperson shall propose the dates in consultation with the Chairperson of the African Union Commission and with the Bureau of the Committee.

### **Rule 26 Extraordinary Sessions**

1. Extraordinary Sessions of the Committee may also be convened by the Chairperson, if the Committee so decides at any of its sessions.
2. When the Committee is not in session, the Chairperson may convene extraordinary sessions of the Committee in consultation with the Bureau.
3. The Chairperson of the Committee shall, convene extraordinary sessions:-
  - (a) At the written request of a simple majority of the members of the Committee;
  - (b) At the written request of a State Party to the African Children's Charter.
- (c) At the request of the African Union Commission.
4. Extraordinary sessions shall be convened as soon as possible on a date fixed by the Chairperson, in consultation with the Chairperson of the African Union Commission and the Bureau of the Committee.

### **Rule 27: Joint Sessions**

1. The Committee may hold joint sessions in consultation with the African Commission, African Court or any other Organ that the Committee deems appropriate.

### **Rule 28: Venue of Sessions**

1. Sessions of the Committee shall normally be held at its Headquarters. However, the Committee may decide to meet in the territory of any State Party, with the consent or at the invitation of the State Party.
2. In the event that a State party invites the Committee to hold a session in its territory, that State party shall sign an agreement to that effect with the Committee. Such agreement shall vest the State Party with the responsibility

for all additional expenses incurred by the Committee as a result of the session being held outside its headquarters, in conformity with the established rules and standards of the African Union.

3. Any country offering to host the Committee should comply with its obligations under Article 43 and recommendations of the Committee.
4. The Committee shall not accept invitation from a State Party which is under any suspension of the African Union or associated with any grave human rights violation within its territory or beyond.

#### Rule 29: Notification of dates and venue of sessions

1. The Committee decides on the venue and dates of the next Session during its sitting.
2. In the event that the Committee is not meeting in its Headquarters, the venue of the next Session shall be communicated during the sitting of the Committee.
3. In cases the Committee decides to hold an extra ordinary session, the Secretary, in consultation with the Chairperson, shall notify the Members 90 days in advance.

#### Rule 30: Open Sessions

1. Sessions of the Committee shall be open unless it appears necessary to do otherwise under the provisions of the Charter or the present Rules or unless the Committee decides otherwise.
2. Representatives of the African Union Organs and institutions, such as United Nations bodies, intergovernmental organizations, non-governmental organizations, and National Human Rights Institutions, RECs, Universities, faith-based organizations shall be entitled to participate in the open sessions of the Committee under modalities to be established for the purpose.

#### Rule 31: Closed Sessions

1. Closed Sessions of the Committee shall be held in private and deliberate or institutions shall remain confidential.
2. At the beginning of each Ordinary Session the Committee shall convene a closed pre-session meeting to prepare for the session to be opened.
3. The committee shall also hold its deliberations on Communications in closed sessions.
4. The Secretary to the Committee, members of the secretariat and persons providing technical or secretarial assistance shall be present and participate at closed sessions as may be required.
5. If the Committee so decides, it may invite any interested party to be present in closed sessions dealing with issues of particular interest to them.
6. The Chairperson of the African Union Commission shall have the right to be represented at closed meetings of the Committee and its subsidiary bodies and to participate without voting rights.
7. Without prejudice to any confidential information, the Committee or its subsidiary bodies may, issue a communiqué to the public on deliberations held in closed sessions.

## **CHAPTER VII : AGENDA OF SESSIONS**

### **Rule 32 Provisional Agenda for Ordinary Sessions**

1. The provisional agenda for each Ordinary Session shall be prepared by the Secretary in consultation with the Chairperson of the Committee, in conformity with the present Rules of Procedure.
2. The Committee may, at its own initiative or upon request, invite any African Union Organ or institution, State Party, specialized agencies, bodies and programs of the United Nations; other intergovernmental organizations recognized by the Africa Union; National Human Rights Institutions recognized by the Committee or non-governmental organizations with observer status to propose an agenda item for the discussion of the Committee during its Ordinary Session.
3. The provisional agenda may as much as possible include items proposed by:
  - (a) the Committee at a previous session;
  - (b) The Chairperson of the Committee;
  - (c) A member of the Committee;
  - (d) A State Party to the African Children's Charter;
  - (e) the Chairperson of the African Union Commission relating to her/his functions under the African Children's Charter or these Rules;
  - (f) Any African Union organ or institution;
  - (g) Any organisation recognised by the African Union;
  - (h) national human rights institution with affiliate status or non-governmental organisation with observer status;
  - (i) specialized institutions of the United Nations of which State Parties to the African Charter are members
4. Items proposed under (d) (e) (f) (g) (h) (i) of paragraph 3 shall be communicated to the Secretary accompanied by supporting documents not later than 60 days before the opening of the session at which these items are to be discussed.
5. The decision to include an item on the Provisional Agenda shall be vested on the Bureau of the Committee. The Secretariat shall inform the decision on the agenda item to requesting party at least a month before the Session.

### **Rule 33: Agenda for Extraordinary Sessions**

1. Unless otherwise decided by the Committee, the Agenda for an Extraordinary Session of the Committee shall consist only of those items which were proposed for the convening of the Extraordinary Session.

### **Rule 34 Transmission of the Provisional Agenda and basic documents**

1. The Secretary shall transmit the Provisional Agenda and basic documents relating to items on the Agenda to the members of the Committee at least thirty (30) days before the opening of an Ordinary Session.
2. The Secretary shall transmit by all appropriate means the Provisional Agenda to the Chairperson of the African Union Commission, African Union Organs and Institutions, State Parties, intergovernmental organizations, National Human Rights Institutions, non- governmental organisations, and shall publish in the public domain at least twenty-one (21) days before the opening of an Ordinary Session.

## Rule 35 Revision and Adoption of the Agenda

1. At the beginning of each session, the Committee shall consider and adopt the Agenda of the Session.
2. The Committee may, in its consideration of the Agenda, decide to add, defer or delete items as appropriate.

## **CHAPTER VIII: CONDUCT OF BUSINESS**

### Rule 36 Point of order

1. The Chairperson shall rule on points of order.
2. During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairperson in accordance with these Rules of Procedure.
3. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a simple majority of the members present and voting.
4. A member raising a point of order may not speak on the substance of the subject matter under discussion.

### Rule 37: Time limits to speakers

1. In the course of the discussion of an item, the Chairperson may propose to the Committee a limit on time to be accorded to speakers and on the number of times each person may speak on any matter,
2. The Chairperson shall limit the time allowed to each speaker on any matter. When a speaker exceeds her/his allotted time, the Chairperson shall call her/him to order without delay.

### Rule 38: List of speakers

1. During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed.
2. The Chairperson may, however, accord the right of reply to any speaker if a speech delivered after he/she has declared the list closed makes this desirable.

### Rule 39: Oral interventions

1. None may take the floor at a meeting of the Committee without the authorisation of the Chairperson. The Chairperson shall grant the floor to speakers in the order in which it has been requested.
2. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if her/his remarks are not relevant to the subject matter under discussion.

### Rule 40: Adjournment of meetings or debates

1. The Chairperson may propose adjournment of a meeting or a debate.

2. During the discussion of any matter, a member of the Committee may, at any time during a debate, move for the adjournment of a meeting or debate on the item under discussion.
3. In addition to the person who proposed the motion, one member may speak in favor and one against the motion, after which the motion shall immediately be put to the vote

#### Rule 41: Closure of debate or meeting

1. A member may, at any time, move for the closure of the debate on the item under discussion, whether or not any other member or representative had signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall immediately be put to the vote.
2. When the debate on an item is concluded pursuant to the decision of the Committee under paragraph 1 above or there are no other speakers, the Chairperson shall declare the debate closed.
3. During the discussion on any matter a member of the Committee may move for closure of the meetings. Such motions shall immediately be put to a vote

#### Rule 42: Order of motions

Subject to Rule 36, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) Competence of the committee;
- (b) Point of order;
- (c) Recusal of a member;
- (d) Adjournment of the meeting;
- (e) Adjournment of the debate on the item under discussion;
- (f) Closure of debate on the item under discussion.
- (g) Closure of meeting

#### Rule 43: Submission of motions

1. Unless otherwise decided by the Committee, any motions or amendments to motions submitted by members of the Committee on substantive matters shall be introduced in writing and handed to the Secretariat and their consideration shall, if so requested by any member, be deferred to the following day.

#### Rule 44: Decisions on competence

1. Subject to Rule 43, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall immediately be put to the vote before a vote is taken on the proposal in question.

#### Rule 45: Withdrawal of motions

1. A motion may be withdrawn by the member who proposed it at any time before it is put to vote, on condition that it has not been amended. A motion thus withdrawn may be reintroduced by any other member.

#### Rule 46: Reconsideration of proposals

1. When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a simple majority vote of its members present, so decides. Permission to speak on a motion to reconsider shall be accorded only to one member in favor of and one against the motion, after which it shall immediately be put to the vote.

### **CHAPTER IX: VOTING**

#### Rule 47: Quorum

1. In conformity with Article 38(3) of the African Children's Charter, seven members of the Committee shall constitute a quorum. When such a quorum is not met, the Committee shall postpone the decision making on a certain matter under discussion.

#### Rule 48: Voting rights

1. Decisions of the committee shall be taken by vote, failing a decision by consensus.
2. Each member of the Committee shall have one vote. In case of a tie in votes the Chairperson shall have a casting vote.

#### Rule 49: Required Majority

1. Decisions on of the Committee shall be made by simple majority of its members present.

#### Rule 50: Method of voting

1. Unless otherwise decided by the Committee and subject to Rule 7 the Committee shall vote by a show of hands.
2. Any member may request a rollcall vote, which shall be taken in the alphabetical order of the names of the members of the Committee, where by each member may reply "yes" or "no" or "abstention". The vote of each member participating in any roll-call including abstentions shall be inserted in the record.
3. The Committee may also decide to hold a secret ballot.

#### Rule 51: Conduct during voting and explanation of votes

1. After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting.
2. Members may make brief statements only for the purpose of explaining their vote, before the beginning of the vote or once the vote has been taken.

#### Rule 52: Division of proposals



1. Parts of a proposal shall be voted upon separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved or amended shall then be put to the vote as a whole. If all of the operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole

#### Rule 53: Order of voting on amendments

1. When an amendment to a proposal is moved, the amendment shall be voted upon first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed there from and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

#### Rule 54: Order of voting on proposals

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote upon the proposals in the order in which they have been submitted.
2. The Committee may, after each vote on a proposal, decide, by a simple majority, whether to vote upon the next proposal.
3. Any motions which do require any decision on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before those proposals. Motions which are not on the substance of a proposal shall be voted upon before the said proposals.

### **CHAPTER X: RECORDS**

#### Rule 55: Records of Sessions

1. The Secretariat shall keep verbatim recordings of the proceedings of the sessions of the Committee. It may also keep recordings of the proceedings of sessions of its special mechanism, if the Committee so decides. The Secretariat of the Committee shall also ensure of the sessions of the Committee.
2. Summary records of the open and closed sessions of the Committee shall be prepared by the Secretariat. Committee members may submit corrections to the Secretariat in the languages in which the records have been issued within a specified time of the receipt of such records. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued at the end of the session concerned. Any disagreement concerning such corrections shall be decided upon by the Chairperson of the Committee or, in the case of continued disagreement, by decision of the Committee.

#### Rule 56: Distribution of summary records

1. The summary records of open and closed sessions shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to other interested parties upon decision of the Committee at such time and under such conditions as the Committee may decide.

## **CHAPTER XI: SPECIAL MECHANISMS**

### **Rule 57: Establishment of special mechanisms**

1. The Committee may assign specific tasks or mandates to either an individual member or group of members concerning the preparation of its periods of sessions or the execution of special programs, studies and projects.
2. Each working group shall elect its own officers and the present Rules of Procedure of the Committee shall apply *mutatis mutandis* to the proceedings of special mechanism created by the Committee.
3. The Committee may create special mechanisms, outside the membership of the Committee, with mandates that are linked to the fulfillment of its functions of promotion and protection of children's rights and in accordance with the thematic areas deemed of special interest for achieving this purpose.

### **Rule 58: Resolutions creating special mechanisms**

1. The decisions for the establishment of a special mechanism and grounds for the decision will be expressed in a resolution adopted by the Committee in which the following will be recorded:
  - a. the definition of the conferred mandate, including its functions and scope; and
  - b. the description of the activities to be carried out and the methods of planned financing to defray them.
2. The mandates will be evaluated periodically and will also be subject to review, renewal, or termination.

### **Rule 59: Procedure of selecting special mechanisms**

1. In selecting an individual for a special mechanism, the Committee shall ensure that there is:

- a. a public competition to fill the vacancy, which publicises the criteria to be employed in the selection of candidates, the appropriate background for the position, and the applicable resolution by the Committee establishing the procedures for the selection;
- b. affirmative vote of a simple majority vote of members of the Committee and an announcement publicising the grounds of the decision.

### **Rule 60: Conflict of interest**

1. Prior to the appointment process, and during the exercise of their functions, a member of a special mechanism must disclose to the Committee any interest which may be considered to be in conflict with the mandate of the special mechanism.

#### Rule 61: Period for serving in special mechanisms

1. Special mechanism shall serve for a period of two years, renewable once, unless the mandate of the special mechanism terminates earlier.
2. The Committee may, before the expiry of the term, decide to replace a member of a special mechanism for reasonable cause.

### **CHAPTER XII: REPORTS OF THE COMMITTEE**

#### Rule 62: Activity Reports

1. The Committee shall annually submit to the Assembly of the African Union its reports on the activities undertaken in the implementation of the African Charter and any other such reports as appropriate.
2. During its sitting the committee deliberates and adopts the report to be submitted by its Chairperson to the Assembly.
3. Once the Activity Report has been considered by the Assembly, the Secretariat shall publish it on the website of the Committee and transmit it to States Parties, African Union organs, national and specialized human rights institutions and civil society organizations.

#### Rule 63: Mission reports and activity reports of individual Members of the Committee

1. Upon completion of a mission, the Secretariat shall, within thirty (30) days, prepare a mission report and send the same to the concerned Members of the Committee for review and approval, which shall be done in fifteen (15) days.
2. Once approved by the concerned Members of the Committee, such report, unless otherwise treated confidential, shall be sent to the Member State concerned and published on the Committee's website.
3. Every member of the Committee shall submit a written report on the activities undertaken in the period between two sessions and present the same in a public session.
4. Reports, decisions, and session documents of the Committee shall be published on its website unless the Committee decides otherwise.

#### Rule 64: Session Reports

1. The Secretary shall prepare a report of the proceedings of each session of the Committee.
2. The final report of the Open Session shall be made available to the general public by posting on the website of the Committee adopted by the Committee unless the Committee decides otherwise.
3. The final report of the Closed Sessions of the Committee shall be distributed to the

members of the Committee.

#### Rule 65: Other reports

1. The Committee, or its subsidiary bodies, may issue for general distribution other reports on its activities. The Committee may also issue reports for general distribution in order to highlight specific problems in the field of the rights and welfare of the child.

#### Rule 66: Distribution of reports and other official documents

1. Reports and decisions of the Committee and session documents and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.
2. Reports and additional information submitted by States Parties, pursuant to Article 43 of the African Children's Charter and Rules 68 of the present Rules of Procedure, shall be documents for general distribution.
3. Reports and information provided to the Committee by the organs and institutions of the African Union, United Nations bodies, intergovernmental and non-governmental organisations shall be distributed to parties concerned and the general public, if so decided by the Committee.
4. The Secretariat shall ensure the publication of such reports and documents for general distribution on the website of the Committee

### Additional Chapter

#### Chapter XIII: Protection mandate of the Committee

##### Rule 67: Matters of urgency

1. In cases of serious or massive child rights violation which presents a danger of an irreparable harm or requires urgent action to avoid irreparable harm, the Committee may issue letters of urgent appeals to the concerned Member States.
2. When a situation of urgency arises during a session of the Committee, the decision to treat it as such shall be taken by the Committee.
3. When a situation arises during the Committee's inter-session period, the decision to treat it as a matter of urgency shall be taken by the Bureau of the Committee, which shall keep other Members of the committee informed and present a report on the situation at the next session of the Committee.
4. When the Committee decides to treat the matter as urgent matter, it may also decide to draw the attention of the Chairperson of the AU, the Executive Council, the Peace and Security Council or any other relevant Organs of the Union.

## **CHAPTER XIV: STATE REPORTING**

#### Rule 68: Content, format and period of State Reports

1. Each State Party shall submit a report to the Committee in conformity with Article 43 of the African Charter and reporting guidelines of the Committee. Reports shall

indicate the measures taken to ensure the implementation of the provisions of the African Children's Charter and progress achieved as well as the challenges faced, if any, affecting the implementation of the Charter.

2. The Committee shall indicate to States Parties, through the Guidelines on State Party Reporting, the format of the reports and other related information to be communicated.
3. A State Party shall submit its initial report within two years of the entry into force of the African Charter for the State Party concerned and thereafter periodic reports every 3 years as well as complementary reports and information requested by the Committee during the period between the two reports.

#### Rule 69: Transmission of state reports

1. The Secretary in consultation with the Chairperson of the Committee may send copies of State Party Reports, in whole or in part, relating to their areas of competence, including but not limited to the following:
  - a. Specialized agencies and bodies of the United Nations system,
  - b. African regional and sub-regional institutions concerned,
  - c. National human rights institutions with associate status,
  - d. National and international non-governmental organizations with Observer status with Committee.
2. The Secretary shall inform interested parties under paragraph 1 the State Party reports that should be examined at each Ordinary Session of the Committee. These institutions may submit any information or complementary reports on the situation of the rights and welfare of the child in the State Party concerned.
3. The Secretary may also invite specific institutions to submit information relating to the State Party Report within a time limit that he/she may specify.

#### Rule 70: Attendance by States Parties at the examination of reports

1. State Parties shall be represented in sessions of the Committee at which their reports are to be examined.
2. The Committee shall notify the States Parties, as early as possible, of the opening date, duration and venue of the session at which their respective reports shall be examined at least 60 days prior to the examination of the report.
3. A State Party whose report is due for consideration shall designate a delegation comprising of persons from the relevant Government Organs to participate in the session for the purpose of presenting the report and responding to questions of the Committee and furnishing any relevant information that may be required. If a State party is unable to send a representative to the Session, it shall notify the Committee at least 30 days prior to the opening of the Session.
4. If a State party fails to send a representative to the session of the Committee at which its report is to be examined upon such notification, consideration of the report shall be rescheduled for the next session. If, at such a subsequent session, the State party, after due notification, fails to have a representative present, the Committee shall proceed with the examination of the state report in the absence of a representative of the State party.

#### Rule 71: Examination of reports

1. When considering a report submitted by a State party under Article 43 of the African Charter, the Committee shall make sure that the report provides all the necessary information including relevant legislation, policies and programs pursuant to the provisions of Rule 68 of these Rules of Procedure.
2. If the Committee considers a report submitted by a State party to the African Charter does not to contain adequate information, the Committee shall request the State party to furnish the additional information required, and indicate the date by which the information needed should be submitted.
3. During the consideration of the state report submitted by a State Party, the Committee shall explore all pertinent information relating to human rights situation in the State concerned, including statements and shadow reports from national human rights institutions and non-governmental organisations.

#### Rule 72: Request for other reports or advice

1. The Committee may invite the African Union Organs and Institutions, the United Nations bodies, any intergovernmental or non-governmental organisation, in conformity with Article 42 of the African Children's Charter, to submit to it reports on the implementation of the Children's Charter and to provide it with expert advice in areas falling within the scope of their activities. The Committee may indicate, as appropriate, the time limit within which such reports or advice should be submitted.

#### Rule 73: Concluding Observations

1. At the conclusion of the examination of the report of a State Party, the Committee shall adopt Concluding Observations with a view to assisting the State Party concerned in implementing its obligations under the African Charter.
2. The Concluding Observations of the Committee on the report of a State Party shall include the following:
  - (a) An outline of the State's international obligations, its compliance with its obligations under the African Charter and its relationships with the Committee.
  - (b) Positive steps taken to implement the provision of the African Children's Charter in the State Party concerned;
  - (c) Challenges affecting the implementation of the African Children's Charter;
  - (d) Principal areas of concern as well as key issues that need urgent attention and recommendations;
  - (d) Call for the implementation of recommendations and the wide dissemination of the concluding observations in the State party;
  - (e) A specific recommendation requesting that the State party, in its next periodic report provide information on the implementation of the Committee's concluding observations.
  - (f) The date of the presentation of the next periodic report by the State Party
2. The Concluding Observations shall be transmitted to the State Party concerned within 30 days after the Session at which the Concluding Observations were adopted. The Concluding Observations shall be made available to all interested parties and shall be posted on its website after the transmission of the report to the State Party concerned.

3. The Committee shall also transmit to the Assembly and other relevant organs and institutions of the African Union, the Concluding Observations with copies of the reports it has received from the State Party as well as comments supplied by the latter, if any. The Concluding Observations shall also form part of the Committee's Activity Report.

#### Rule 74: Follow up on implementation of concluding Observations

1. Follow-up of Concluding Observations of the Committee shall constitute one of the core activities of its promotional mandate. The Committee shall ensure the follow-up on the implementation of the recommendations from the Concluding Observations within the framework of its promotional activities.
2. The Committee shall establish a procedure for follow-up on measures taken by State Parties concerned in particular on those aspects of that require urgent attention and decide on the appropriate action to be taken.

#### Rule 75: Nonsubmission of reports

1. At each Ordinary Session, the Secretary of the Committee shall inform the Committee of all cases of nonsubmission of reports or complementary information required in conformity with Article 43 of the African Charter.
2. The Committee shall address to the State Party concerned, through the Chairperson of the African Union Commission, a reminder regarding the submission of these reports or complementary information and shall undertake any other measures in a spirit of dialogue between the State concerned and the Committee.
3. If, despite the reminder and other measures referred to in paragraph 2 above, the State Party does not submit the required report or complementary information, the Committee shall consider the situation as it deems necessary and shall include a reference to this effect in its report to the Assembly of Heads of State and Government of the African Union.

### **CHAPTER XV: GENERAL COMMENTS, DAY OF GENERAL DISCUSSIONS AND RESEARCHES**

#### Rule 76: General Comments

1. Pursuant to art 42 (c) a State Party, an institution of the African Union, any person or institution recognised by the African Union may request the Committee to interpret the provisions of the African Children's Charter.
2. The Committee may prepare general comments on the basis of the Articles and provisions of the African Children's Charter with a view to promoting its further interpretation and implementation, and assisting States parties in fulfilling their obligations to the realization of children's rights. The Committee shall include such General Comments in its reports to the Assembly of the African Union.

#### Rule 77: Day of General discussion

1. In order to enhance a deeper understanding of the content and implications of the African Children's Charter, the Committee may devote one or more parts

of its regular sessions or other meetings to a day of general discussion on one specific Article of the Charter or thematic area of the African Children's Charter.

#### Rule 78: Studies

1. In conformity with Article 42 of the Children's Charter, the Committee may initiate and undertake studies on children's rights issues in Africa.
2. The Committee may recommend to the Assembly of the African Union to request the Chairperson of the African Union Commission to undertake, on its behalf, studies on specific issues relating to the rights and welfare of the child.
2. The Committee may also invite partners and other bodies to undertake studies or to submit available studies on topics of relevance to the Committee

### **CHAPTER XVI: RELATIONS WITH STATE PARTIES, AFRICAN UNION ORGANS OR INSTITUTIONS, INTERGOVERNMENTAL ORGANISATIONS, NATIONAL HUMAN RIGHTS INSTITUTIONS, NON-GOVERNMENTAL ORGANIZATIONS AND FUNDING PARTNERS**

#### Rule 79: General Rules

Pursuant to art 42 (a) the Committee may cooperate with other African, international and regional institutions or organs concerned with the promotion and protection of the rights and welfare of the child.

#### Rule 80: Relations with State Parties

1. The Committee or its subsidiary bodies may invite any State party to participate in the discussion of any issue that shall be of particular interest to that State.
2. A State invited by the Committee under paragraph 1 shall have no voting right, but may submit proposals which may be put to a vote at the request of any member of the Committee or of the subsidiary body concerned.
3. State Parties may propose issues of particular interest to them included in the Provisional Agenda of the Ordinary Session of Committee, in accordance with Rule 33.
4. Pursuant to rule 26 of the present Rules, any State Party may submit a request to the Committee for convening Extraordinary Session on matters that require the urgent attention of the Committee.
5. A state party may host the sessions of the Committee Session in accordance with Rule 27.
6. State Parties shall provide the Committee with necessary reports and information under the African Children's Charter and the provisions of the present Rules.

#### Rule 81: Relations with African Union Organs, Institutions and Programs

1. The Committee, in fulfilling its mandate, shall establish formal relations of cooperation, including meetings as necessary, with relevant African Union organs, institutions and programs.
2. The Committee shall in particular establish a modality for cooperation with the



African Commission and African Court on common areas of concern.

3. The Bureau of the Committee may, in addition, meet with the bureau of these organs, institutions and programs as often as may be required to ensure their good working relationship.
4. The Committee may request, when it sends its Activity Report to the Assembly, as it deems necessary, specific actions on the part of the Assembly in respect of implementation of any of its decisions, other than those related to communications.
5. The Committee shall bring all its recommendations to the attention of the Sub-Committee on the Implementation of the Decisions of the African Union of the Permanent Representatives Committee.
6. The Committee may transmit its Concluding Observations or recommendations arising from its decision on communications to the Pan-African Parliaments for follow-up.
7. The Committee may request the African Peer Review mechanism to take cognizance of its concluding observations while reviewing a state party or making recommendation in its final report.

#### Rule 82: Relations with intergovernmental organizations, Regional Economic Communities and Academic Institutions

1. United Nations bodies, other intergovernmental organisations, RECs and the Academia shall be represented in the open sessions of the Committee and its subsidiary mechanisms as may be invited by the Committee.
2. The Committee may permit representatives of these bodies to make oral or written statements to the Committee when the implementation of the African Children's Charter in relation to their mandates is being considered.
3. Pursuant to Articles 42(c) of the African Children's Charter and Rules 69 and 72 of the present Rules of Procedure, the Committee may invite these bodies to submit reports or furnish any information or expert advice on the implementation of the African Children's Charter in areas falling within the scope of their mandates.
4. The Committee may conclude agreements with United Nations bodies, specialised agencies and intergovernmental organisations to take part in their activities and collaborate on areas of common concern.

#### Rule 83: Relations with National Human Rights Institutions

1. National Human Rights Institutions established by State Parties to the African Children's Charter and functioning according to internationally recognised norms and standards may be granted affiliate status with the Committee.
2. In determining the associate status of a National Human Rights Institution, the Committee shall apply the following criteria:
  - a) The National Human Rights Institution shall be duly established by law or constitution of a State party to the African Children's Charter;
  - b) The National Human Rights Institution shall conform to the United Nations Principles relating to the Status of National Human Rights Institutions, also known as the Paris Principles.
3. A National Human Rights Institution granted associate status shall:
  - a) Be invited to sessions of the Committee according
  - b) Shall be invited to have issues of particular interest to them included in

- the Provisional Agenda of the Committee, in accordance with Rule 33;
  - c) Participate, without voting rights, in deliberations on issues of common interest and to submit proposals which may be put to a vote at the request of any member of the Committee;
  - d) Have access to the non-confidential documents of the Committee;
  - e) Submit reports to the Committee every two years on their activities in the promotion and protection of the rights and welfare of the child enshrined in the African Children's Charter and;
  - f) Assist the Committee in the promotion and protection of children's rights and welfare at national level;
  - g) Provide any reports, information or advice pursuant to Rules 68 and 71
4. The Committee may, where necessary, invite other National Human Rights Institutions that do not meet the criteria provided under paragraph 2 above to attend its session as observers.

#### Rule 84: Relations with non-governmental organizations

- I. Non-governmental organisations working in the field of children's rights and welfare, with objectives and activities in consonance with the principles and objectives enunciated in the African Children's Charter may be granted observer status with the Committee.
- II. A non-governmental organization applying for observer status shall comply with the principles and requirements laid down in the Criteria for Granting Observer Status adopted by the Committee.
- III. As prescribed under the Guidelines for Granting Observer Status, Non-governmental organisations with observer status shall enjoy the rights and perform duties stipulated in the Criteria for Granting Observer Status. In particular they shall:
  - a) Be invited to attend the sessions of the Committee and may be authorized by the Chairperson of the Committee to make oral or written statements on issues of particular concern;
  - b) Participate in the proceedings in a manner pursuant to the present Rules of procedure and may request to have issues of particular interest to them included in the Provisional Agenda of the Committee, in accordance with Rule 33
  - c) Have access to the non-confidential documents of the Committee.
  - d) Present activity reports to the Committee every 2 years;
  - e) Establish relations of close co-operation with the Committee and to engage in regular consultations with it on all matters of common interest. Administrative arrangements shall be made, whenever necessary, to determine the modalities of this co-operation.
  - h) Provide any reports, information or advice pursuant to Rules 69 and 72.
- IV. The Committee reserves the right to take the following measures against non-governmental organizations that are in default of their obligations contained in paragraphs 3 this Rule and the Criteria for Granting Observer Status. :
- V. Observer status may be suspended or withdrawn from any organisation that no longer fulfills the criteria provided by the Committee in its Criteria for Granting Observer Status.

## Rule 85 Relations with Funding Partners

- I. The Bureau of the Committee may negotiate financial agreements with funding partners, which shall be signed by the Chairperson on behalf of the Committee. Original copies of such agreements shall be kept at the Secretariat of the Committee and copies shall also be deposited with the African Union Commission.
- II. The Committee shall inform the African Union Commission of any proposal to accept funds from any funding partner including details of the amount of money to be provided, the project or projects for which the funds are sought and any condition of receipt of such funding.
- III. Such agreements shall specify activities, expected outcomes, monitoring and evaluation of the project funded by the donor.
- IV. The Secretariat shall prepare and submit reports on the implementation of the agreement to the Committee at each Ordinary Session.
- V. The Committee may invite funding partners to attend its sessions.
- VI. The African Union Commission financial rules shall apply in cases of such financial agreements.

## **CHAPTER XVII : FINAL PROVISIONS**

### Rule 86: Interpretation

1. The Committee shall reserve the power to interpret the present Rules of Procedure in accordance with the spirit and principles of the African Children's Charter. For the purpose of the interpretation of the present Rules, the headings are for reference purposes only and do not form part of the Rules.

### Rule 87: Amendments

These Rules of Procedure may be amended by a decision of the Committee through simple majority vote.

### Rule 88: Entry into force of the Rules of Procedure

The present Rules shall enter into force three months after their adoption by the Committee.

### 89: Non-retroactivity

The present Rules shall not have any retrospective effect.

