

GUIDELINES
for state reporting under the Protocol to the African Charter on
Human and Peoples' Rights on the
RIGHTS OF WOMEN IN AFRICA

DIRECTIVES
pour la présentation du rapport d'État aux termes du Protocole à la Charte
africaine des droits de l'homme et des peuples relatif aux
DROITS DES FEMMES EN AFRIQUE

ORIENTAÇÕES
sobre os relatórios a apresentar pelos Estados no âmbito do Protocolo à Carta
Africana dos Direitos do Homem e dos Povos relativos aos
DIREITOS DA MULHER EM ÁFRICA

موجهات إعداد التقارير الرسمية المتعلقة بروتوكول حقوق المرأة
بالميثاق الإفريقي لحقوق الإنسان



African Commission on Human and Peoples' Rights
Commission Africaine des Droits de l'Homme et des Peuples
Comissão Africana dos Direitos Humanos e dos Povos
اللجنة الأفريقية لحقوق الإنسان والشعوب

Title:

Guidelines for state reporting under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

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RIGHTS OF WOMEN IN AFRICA

4 Guidelines for state reporting under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Pursuant to article 26 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Protocol), read together with article 62 of the African Charter on Human and Peoples' Rights (the African Charter), each state party to the Protocol has agreed to submit every two years, from the day the Protocol comes into force, a report on the legislative, judicial, administrative and other measures taken with a view to ensure full realisation of the rights and freedoms contained in the Protocol.

A state party to the African Charter and the Protocol must submit its report in two parts: Part A, dealing with the rights in the African Charter, and Part B, dealing with the rights in the Protocol. A state's first report under Part B must, preferably, not exceed 50 pages and subsequent reports should not exceed 30 pages.

Did you know?

These guidelines were issued in 2009 by the African Commission on Human and Peoples Rights.

In the preparation of Part B, state parties should follow the following guidelines:

Initial reports

When states report for the first time under the Protocol, they must provide the following:

i. Process of preparation

To what extent was civil society, in particular individuals and organisations working on gender issues, involved in the preparation of the report?

ii. Background information

- A brief description of the state's overall legal framework as it relates to women's rights (such as the Constitution, other laws, policies and programmes).
- An explanation as to whether the Protocol is directly applicable before national courts or if it has to be incorporated into domestic law. Information on whether in

practice the provisions of the Protocol have been invoked before national courts and tribunals (with some examples of the most important cases).

- If the State has entered any reservations to the Protocol, it should provide an explanation indicating the effect of the reservations (if any) on the enjoyment of the rights protected by the Protocol. The State should indicate how much time is needed before it can lift its reservations or give an estimate of the time.
- A brief description of state institutions, if any, relevant to the Protocol and information on their budgetary allocation.
 - General information on gender budgeting.
 - Information on gender mainstreaming, including any policy and capacity-building efforts.
 - Information on any gender audit of laws or legal reform efforts undertaken from a gender perspective (attach relevant documents).

Did you know?

According to Article 1 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women, 'women' is defined as persons of the female gender including girls.

iii. Specific provisions of the Protocol

In respect of each of the provisions of the Protocol (which have been thematically structured below), states should explain the measures of implementation that they have undertaken with regard to the following:

a Legislation

(What legislative measures has the state taken to give effect to the particular rights guaranteed in the Protocol?)

b Administrative measures

(What administrative measures, including budgetary allocations, has the state taken to give effect to the particular rights guaranteed in the Protocol?)

c Institutions

(What institutional mechanisms are in place to ensure that the particular rights guaranteed in the Protocol are given effect?)

d Policies and programmes

(What policies and programmes has the state adopted in order to give effect to the rights in question?)

e Public education

(What public education and awareness-raising activities has the state undertaken with respect to the rights in question?)

f Any other measures

(What other general measures, which are not covered in the points above, has state adopted to ensure the protection of the particular rights in question?)

6



g Remedies

(judicial and administrative (extra-judicial)) (What are the available avenues for redress in the event of a breach of the particular rights provided in the Protocol? Have any cases been decided in respect to each of the rights; and if so, have these decisions been implemented?)

h Challenges experienced

(What are the challenges that the state has faced in the implementation of the particular rights, and what steps have been taken to overcome these challenges?)

i Accessibility

(Are the particular rights accessible to all women, especially rural/impoverished women?)

j Disaggregated statistics

(Where relevant, the state should provide relevant data and statistics disaggregated by gender in so far as the right in question is concerned.)

iv. With reference to the measures of implementation above, states must report on all the provisions of the Protocol, preferably as grouped under the following eight (8) themes:

1 Equality/Non-discrimination

- 1.1 Elimination of discrimination (article 2)
- 1.2 Access to justice, including legal aid and the training of law enforcement officials (article 8)
- 1.3 Political participation and decision-making (article 9)
- 1.4 Education (article 12)

Did you know?

According to Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, 'discrimination against women' is defined as any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life.

2 Protection of women from violence

- 2.1 Bodily integrity and dignity, including sexual violence, trafficking of women and medical and scientific experimentation (article 3 & 4)
- 2.2 Practices harmful to women, including female genital mutilation (article 5).
- 2.3 Female stereotypes (article 4(2)(c))
- 2.4 Sexual harassment
- 2.5 Domestic violence (article 4(2)(a))
- 2.6 Support to victims of violence, including health services and psychological counselling (article 5(c))

8

Did you know?

According to Article 1 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women ‘harmful practices’ is defined as all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity”

3 Rights relating to marriage (articles 6-7)

- 3.1 Marriage and its effect on property relations, nationality, name (article 6(e) to (j))
- 3.2 Minimum age of marriage (article 6(b))
- 3.3 Registration of marriages (article 6(d))
- 3.4 Protection of women in polygamous marriages (article 6(c))
- 3.5 Protection of women during separation, divorce or annulment of marriage (article 7)
- 3.6 Protection of children in the family (article 6(i) &(j))

4 Health and reproductive rights

- 4.1 Access to health services (article 14(2)(a))
- 4.2 Reproductive health services, including the reduction of maternal mortality (article 14(1)(a) & (b))
- 4.3 Provision for abortion (article 14(2)(c))
- 4.4 HIV/AIDS (article 14(1)(d))
- 4.5 Sex education (article 14(1)(g))

Did you know?

Two General Comments have been adopted by the African Commission on Human and Peoples Rights which provide clarification on the meaning of Article 14 on women’s health and reproductive rights. The General Comments on article 14(1)(d) and (e) were adopted in 2012. General Comment No.2 on article 14 (1)(a) (b)(c) and (f) and article 14(2)(a) and (c) was adopted.

5 Economic, social and cultural rights

- 5.1 Economic and welfare rights (article 13)
- 5.2 Right to food security (article 15)
- 5.3 Right to adequate housing (article 16)
- 5.4 Right to positive cultural context (article 17)
- 5.5 Right to a healthy and sustainable environment (article 18)
- 5.6 Right to sustainable development, including the right to property; access to land and credit (article 19)

6 Right to peace (article 10)

- 6.1 Women's participation in peace and conflict prevention and management (article 10(1)) and in all aspects of post-conflict reconstruction and rehabilitation (article 10(2)(e))
- 6.2 Reduction of military expenditures in favour of social spending (article 10(3))

7 Protection of women in armed conflicts (article 11)

- 7.1 Indicate measures of protection for asylum seekers, refugees, internally displaced women and ensure the punishment of all violators of such protection (article 11(1) – (3)).
- 7.2 Protection that no child especially girls take a direct part in hostilities and no child is recruited as a soldier (article 11(4))

8 Rights of specially protected women's groups

- 8.1 Widows, including their inheritance rights (articles 20 & 21)
- 8.2 Elderly women (article 22)
- 8.3 Women with disabilities (article 23)
- 8.4 Women in distress (article 24)

Periodic reports

Subsequent reports should cover the following:

- Measures taken to implement recommendations in the concluding observations of the Commission emanating from the examination of the previous report.
- Measures taken to publicize and disseminate the concluding observations adopted after the examination of the previous report.
- Progress made in the implementation of the Protocol since the last report.
- The challenges faced in the implementation of the Protocol since the last report, and steps taken to address these challenges.
- Future plans in regard to the implementation of the Protocol.
- Include measures that have been taken to implement recommendations made during country visits by the Special mechanism on women's rights.

10 Useful information and links

State reporting

The state reporting process is a fundamental component in monitoring the implementation of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Women's Rights Protocol). Article 26 (1) of the Women's Rights Protocol obligates States parties to submit state reports every two years indicating legislative and other measures undertaken towards the full realisation of the rights enshrined in the Women's Rights Protocol in their state reports submitted to the African Commission on Human and Peoples Rights (ACHPR).

State reporting serves a number of important functions including but not limited to: stock-taking of measures undertaken by States parties towards compliance with their obligations under the Women's Rights Protocol; identifying problems and obstacles to full implementation of the Women's Rights Protocol and providing an opportunity for constructive engagement with the ACHPR in order that States parties may benefit from their concrete recommendations.

Special Mechanism

The African Commission may choose to create special mechanisms to work on specific mandates. These mechanisms include special rapporteurs.. The Special Rapporteur on the Rights of Women in Africa (SRRWA) was established by the African Commission on Human and Peoples Rights in 1999 after it recognised that the specific and unique needs of women in Africa required special attention.

Useful links

For further information on the African Commission on Human Rights and the work it does, please see the following links:

- The African Commission's website:
<http://www.achpr.org>
- The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women:
http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf
- The Special Rapporteur on the Rights of Women:
<http://www.achpr.org/mechanisms/rights-of-women>
- General Guidelines on National Periodic Reports:
http://www.achpr.org/files/instruments/guidelines_national_periodic_reports/achpr_guide_periodic_reporting_1989_eng.pdf