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Guidance Note on State Reporting



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II. Introduction: Legal Framework



African Charter on Human and Peoples' Rights

- Article 62: "Each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter".



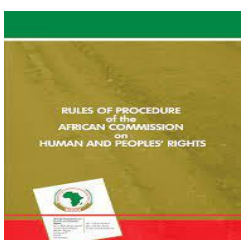
Protocol to the African Charter on the Rights of Women in Africa - Article 26

- States shall ensure the implementation of this Protocol at the national level and shall include in their periodic reports submitted in accordance with the terms of Article 62 of the African Charter, information on the legislative or other measures they have taken for the full realisation of the rights recognised in this Protocol.



AU Convention for the Protection and Assistance of IDPs in Africa - Article 14.4

- States Parties shall, in submitting their reports in accordance with Article 62 of the African Charter on Human and Peoples' Rights and, where applicable, within the framework of the African Peer Review Mechanism, indicate the legislative and other measures they have taken to give effect to this Convention.



Rules of Procedure of the African Commission on Human and Peoples' Rights – 2020

(Rules 78 and 79)

- [RULES OF PROCEDURE of the AFRICAN COMMISSION on HUMAN AND PEOPLES' RIGHTS – 2020](#)

Chapter II - The State Reporting Procedure under Article 62 of the Charter

Rule 78 Contents of State Reports

1. Pursuant to Article 62 of the African Charter and any supplementary legal instruments entrusting the Commission with a supervision mandate, States Parties shall submit reports in accordance with relevant Guidelines of the Commission, on the measures they have taken to give effect to the provisions of the African Charter and those other instruments as well as on the progress they have made. Reports shall indicate the challenges, if any, affecting the implementation of the African Charter and those other instruments.

2. The Secretary to the Commission shall provide States Parties with all relevant Guidelines for time being in force.

Rule 79 Transmission of State Reports and related contributions

1. The Chairperson of the Commission shall, through the Secretary and no later than one hundred and eighty (180) days before the Ordinary Session at which a State Party's Report is due to be considered, request confirmation of the State's intention to submit such a Report.

2. An unscanned electronic version of the Report should be received by the Commission no later than one hundred and twenty (120) days before the session at which it is due to be considered. Upon receipt the Secretary shall promptly publish it on the Commission's website and indicate when the Report will be examined by the Commission.

3. Institutions, organizations or any interested party wishing to contribute to the examination of the Report on the human rights situation in the country concerned, shall send their contributions, including shadow reports, to the Secretary at least thirty (30) days prior to the examination of the Report. Such contributions should follow the Commission's Guidelines on Shadow Reports, as applicable, and speak to the actual Report.

4. The Secretary may also invite specific institutions to submit information relating to the State Report within a time limit that he or she may specify.

5. The contributions from interested parties and invited institutions may be published on the Commission's website.

III. Purpose of the document

States Parties to the African Charter on Human and Peoples' Rights (the Charter), to the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol) and the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) have the duty to submit Periodic Reports on the implementation of the above instruments provisions.

The purpose of this document is to explain the different stages and to present a

summary of the process of periodic reporting by States Parties.

In this regard, four (04) main steps are identified:

1. The drafting of the Periodic Report by the State Party
2. The submission of the Periodic Report to the ACHPR
3. Review of the Periodic Report at a Public Session
4. Adoption and notification of Final Observations



Through the detailed explanation of the process and its different steps, the Commission wishes to support the States Parties for a better fulfilling of their obligations, with regards to the submission of Periodic Reports.

This guidance note also aims to enlighten other stakeholders and to enhance the transparency of the Periodic Reporting process.

IV. State Periodic Reports preparation

Who should prepare the Periodic Report?

Periodic Reports are submitted on behalf of the Government of the State Party. Usually, a multidisciplinary working group is established to draft the report.

Other stakeholders, such as the National Human Rights Institution and Civil Society Organizations, are also involved in the preparation of the Periodic Report, within a multi-stakeholder and inclusive process.

When: What is the due date of a Periodic Report?

In accordance with the Resolution on the method for calculating deadlines for the submission of Periodic Reports - [ACHPR/Res.517 \(LXX\)](#)¹ provisions, the due date of the next Periodic Report will be communicated to the States Parties, together with the Final Observations on the previous report (due date = date of notification of Final Observations + two years).

What are the elements that should be taken into consideration when preparing the Periodic Report?

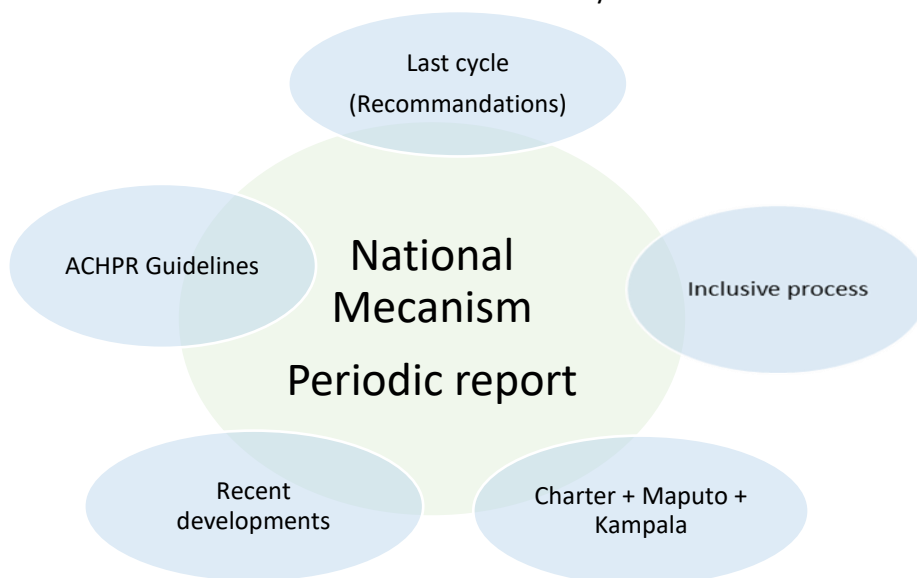
In addition to the contributions of the different public departments involved in the promotion and protection of human rights, the Government of the State Party should rely on:

- the recommendations of the previous cycle and the evaluation of their implementation
- contributions from other stakeholders (NHRIs and Civil Society Organisations)
- recent developments in the promotion and protection of human rights
- [the Guidelines on the preparation of Periodic Reports and other relevant documents of the ACHPR](#)

Initial or Periodic Reporting

The drafting of initial reports should follow a certain number of requirements, particularly those contained in the ACHPR guidelines on State reporting.

Currently, six (06) States Parties to the Charter are yet to submit their Initial Reports.



¹ Adopted on 9 March 2022 / 70th Ordinary Session

V. State Periodic Reports submission

- ✓ The review cycle begins with the submission of the Periodic Report by the State Party.
- ✓ Periodic Reports should be sent to the ACHPR email address: au-banjul@africa-union.org
- ✓ Non-scanned electronic versions of Periodic Reports are submitted².
- ✓ The Secretariat of the ACHPR acknowledges receipt of the Periodic Report and informs the State Party of the Session at which it will be reviewed.
- ✓ Reports are subsequently translated into other working languages of the Commission and published on its website: www.achpr.org
- ✓ In order to be considered at a given Public Session of the ACHPR, the Periodic Report must be sent to the Commission at least 120 days prior to the Session³.
- ✓ Other stakeholders (NHRIs and Civil Society Organisations) may send contributions / [shadow reports](#), assessing the implementation by the State Party of the Charter provisions and the recommendations of the ACHPR.
- ✓ Reports from other stakeholders must be received by the Commission at least 30 days before the beginning of the session in which the State Periodic Report is scheduled to be reviewed⁴.

VI. State Periodic Reports review

- ✓ In light of the content of the State Party's Periodic Report and inputs from other stakeholders, the Commission draft general and specific indicative questions, to be addressed to the State Party, sufficiently in advance, to guide the review and the constructive dialogue with the delegation, during the report review.
- ✓ The delegation of the State Party present replies orally to the Commission's questions⁵.
- ✓ The State Party may provide the Commission with additional written responses at a later date⁶.
- ✓ If the State Party fails to be represented at the Session, the review of the report is postponed to the next Session⁷.
- ✓ If the State Party concerned fails to be represented once again, after due notification, the Commission may proceed with the consideration of the report⁸.
- ✓ A member of the Commission who is a national of the State under review may be present but not participate in the review⁹.

² ACHPR 2020 Rules of Procedures, Rule 79-2

³ *Ibid.*,

⁴ *Ibid.*, Rule 79-3

⁵ *Ibid.*, Rule 80-2

⁶ *Ibid.*,

⁷ *Ibid.*, Rule 79-3

⁸ *Ibid.*,

⁹ *Ibid.*, Rule 80-5

VII. Concluding Observations

- ✓ The cycle of a Periodic Report is concluded by the adoption of the Concluding Observations by the Commission, after consideration of the Report, and their notification to the State Party¹⁰.
- ✓ The Concluding Observations must be adopted at the Regular Session following the review of the State Report or, at the latest, during the next Session¹¹.
- ✓ The Concluding Observations shall be transmitted to the State Party within thirty (30) days after the Session at which the document was adopted¹².
- ✓ Once transmitted to the State Party, the Concluding Observations are published on the Commission's website
- ✓ The date of notification of the Concluding Observations to the State Party is the benchmark that determines the due date of the next periodic report (Date of notification + two years)¹³.
- ✓ If the State Party fails to submit its next Periodic Report, the Commission will count "One Overdue Report" for every two years of delay¹⁴.

¹⁰ Resolution on the Method of Calculation of Periodic Reporting Deadlines - ACHPR/Res.517 (LXX)

¹¹ ACHPR 2020 Rules of Procedures, Rule 82-1

¹² *Ibid.*, Rule 82-3

¹³ Resolution on the Method of Calculation of Periodic Reporting Deadlines - ACHPR/Res.517 (LXX)

¹⁴ *Ibid.*,

VIII. Conclusion : Reporting Cycles

