

GUIDELINES FOR GRANTING AFFILIATE/ASSOCIATE STATUS TO NATIONAL HUMAN RIGHTS INSTITUTIONS BEFORE THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

Background

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) recognizes the particular role that National Human Rights Institutions (NHRIs) play in promoting, protecting and enforcement of children's rights in Africa. Given their broad mandate as prescribed under the Paris Principles, the Committee notes that NHRIs, as independent organs which enhance the protection of human rights and process of building constitutionalism, can assume a primary role in taking measures to ensure that States fulfill their various obligations under the African Children's Charter. As they operate independently and are deemed to hold Governments accountable, the role of NHRIs in lobbying States to ratify international instruments, in participating in the State Party Report preparation, and in following up the implementation of the recommendations of treaty bodies, like the ACERWC, is not disputable. The Committee also notes that building on their tremendous role in the protection and promotion of children's rights in their respective countries, NHRIs can carry out strategic advocacy in mobilizing the required level of political and social acceptance of protection of children's rights,. Against this backdrop and based on the fact that the Committee's relationship with NHRIs can support the execution of its mandate in the monitoring the implementation of the provisions of the Charter, the Committee takes the view that there is need to formalize its relationship with NHRIs in Africa.

The Committee's decision to formalize its relationship with NHRIs is made pursuant to article 42 of the African Charter on the Rights and Welfare of the Child, which gives the Committee the mandate to cooperate with other institutions that are

working on the promotion and protection of the rights and welfare of the child. The Committee also notes that Rule 84 of the Rules of the Procedures of the Committee provides that 'National Human Rights Institutions established by State Parties to the African Children's Charter and functioning according to internationally recognized norms and standards may be granted affiliate status with the Committee". Hence, with a view to operationalizing the provisions of the African children's Charter and the Rules of Procedure, the Committee adopts the Guidelines on Granting Affiliate/Associate Status to NHRIs before the ACERWC.

The Guidelines aim to identify the criteria for granting affiliate status to NHRIs, identify the scope and nature of the engagement of NHRIs with the Committee, and procedure for the involvement of NHRIs in the mandates and activities of the Committee.

Section 1: Purpose and objective of granting Affiliate/Associate Status to National Human Rights Institutes

1. In granting the Affiliate/Associate Status to NHRIs the Committee shall primarily be governed by the purpose and objective of the African Union and the African Charter on the Rights and Welfare of the Child.
2. The Committee shall also grant the Affiliate/Associate status with a view to advancing the protection and promotion of children's rights in Africa through better execution of its mandate and full realization of the Charter at country level.

Section 2: Application for Affiliate/Associate Status

1. An application for Affiliate/Associate Status can be submitted by NHRI established in any African Union Member State.
2. An application for Affiliate/Associate Status shall be addressed and submitted to the ACERWC and shall provide the following information:
 - a. A signed official cover letter which motivates the application;
 - b. Contact address of the applicant NHRI;
 - c. Name, number and year of promulgation of the legal instrument that established the applying NHRI;

- d. The amount and consistency of its annual budget;
 - e. Its work plan for the application year and latest activity report;
 - f. Summary of its activities in relation to children's rights; and
 - g. Its status and rating at the Global Alliance for National Human Rights Institutions
3. The application documents shall be written in English or French.
 4. An application can be submitted in hard copy or soft copy by transmitting signed and sealed application through physical or email address.

Section 3: Consideration of Affiliate/Associate Status by the Committee

1. Upon the receipt of the application for Affiliate/Associate Status, the Secretariat of the ACERWC shall number and register the application.
2. Once the application is registered, the Secretariat of the Committee shall acknowledge the receipt and transfer the application to the Chairperson of the ACERWC.
3. In consultation with the Chairperson of the ACERWC, the Secretariat shall table the consideration of the application at the immediate subsequent Session of the ACERWC.
4. Once the application is transmitted to the Committee, the Committee may assign one of its Members as a rapporteur to examine the application documents.
5. The assigned rapporteur shall examine the application in light of the objective and purpose of granting an Affiliate/associate status to NHRIs and the criteria as it is prescribed in these Guidelines.
6. Following the assessment, the assigned rapporteur presents his/her opinion to Members of the ACERWC who shall then deliberate on the application and reach at a decision to either accept or reject the application.
7. The Secretariat of the Committee shall transmit the decision of the Committee along with its explanation through a formal letter.

Section 4: Request for additional information

The Committee, if it deems necessary, may request the applicant to submit additional information or documents.

Section 5: Criteria for granting Affiliate/Associate Status

1. A NHRI that is applying for an Affiliate/Associate Status before the ACERWC shall fulfill the following criteria:
 - a. It is established by a law which prescribes its mandate, functions and independence;
 - b. The NHRI shall have a clear mandate to protect and promote human rights in the country it is established in;

- c. Its members are elected by an official act;
- d. It must be provided with sufficient budget and human resource which enables it to effectively execute its mandate to protect and promote human rights; and
- e. It must have the mandate to make recommendations to government organs and also to hold government organs accountable for their actions in relation to human rights.
- f. It must have a mechanism within its operational structure for the enforcement of its decisions.

Section 6: Affiliates/Associates role in the works of the ACERWC

1. A NHRI that is granted an Affiliate/Associate Status before the ACERWC can be involved in the following activities:
 - a. Attend and actively participate in the Open Sessions of the Committee, particularly in Sessions where State Party reports are considered;
 - b. Up on the Committee's approval, the NHRI can also attend the closed Sessions of the Committee as it deems necessary,
 - c. Table an agenda before the Committee pursuant to Rule 33 of the Rules of Procedures of the ACERWC;
 - d. Access the State Party report from which they come from in a timely manner as well as other documents that the Committee decides to be shared;
 - e. Pursuant to the content and form of the Revised Guidelines on Consideration of State Party reporting, the NHRI can also submit an alternative/independent report to the Committee following the submission of the report of the Country they are established in;
 - f. Whenever necessary, submit briefings to the Committee on child rights issues which need the attention of the Committee;
 - g. Assist in the dissemination and implementation of the concluding observations and recommendations of the Committee that have been forwarded to its Government;
 - h. Assist the Committee when it is undertaking investigative, follow-up or fact-finding missions in the country of the Affiliate/Associate NHRI and provide relevant information to the Committee on the status of child rights in the State Party;
 - i. Follow-up on the implementation of the decisions of the Committee on communications concerning the country the Affiliate is established in; and
 - j. Collaborate with the Committee in other child rights activities such as studies and reports.
2. The Committee may request information pertaining to child rights issues and the implementation of the African Children's Charter from the NHRIs. Such information may include;

- Issues related to communications which the Committee has received and is considering;
- Implementation of decisions and recommendations of the Committee;
- Information on the situation of selected thematic child rights issues in the country the Affiliate is established in;
- Issues in relation to areas on which the Committee has established special mechanisms; and
- Any other issue which the Committee deems necessary for the execution of its mandate.

Section 7: Alternative/Independent report of Affiliate National Human Rights Institutions to the ACERWC

7.1. General

1. In accordance with Section 6(1)(e) of these Guidelines, Affiliate NHRIs may submit alternative reports on the State Party report of their Governments to the Committee.
2. NHRIs with affiliate status may submit an independent report in the absence of a State Party report reflecting on the status of implementation of the Charter in their respective Countries.
3. The Alternative report should complement the State Party report and provide updates on the status of the implementation of the Charter, the concluding observations and recommendations of the Committee, any kind of recommendations forwarded to the State Party concerned, and decisions of the Committee.
4. The Report of the Affiliate is a public document unless requested otherwise by the Affiliate.
5. Alternative Reports should be submitted at least 30 days before the examination of State Party Reports.

7.2. Guiding principles

1. Alternative Reports by Affiliate NHRIs should be prepared in a consultative manner and should include the voice of children to the extent possible.
2. Where possible, Alternative/Independent reports should include children's report as annex.
3. The Assessment of State Party Report by an Affiliate NHRI and the information provided in the Alternative Report should be guided by the standards and norms set in the Charter, the General Comments and Guidelines developed by the Committee, Resolutions and Declarations of the Committee, previous concluding observations and recommendations, decisions, and other recommendations

emanating from investigations, mission reports, or any other undertaking of the Committee, studies and reports of the Committee, among others.

4. Information contained in Alternative reports should be based on credible sources and data emanating from reliable surveys, court decisions, reports of the Affiliate NHRI, media reports, children's testimonies, among others. Alternative reports should provide citation of their sources.
5. The Alternative Report should not contain disparaging words and should be written in respectful and descent language.

7.3. Form

1. The Alternative report should provide additional information including disaggregated data and evidence-based information in relation to children's rights issues and complement the State Party reports submitted to the Committee.
2. An Alternative report should not be more than 10,000 words or 40 pages.
3. Alternative reports can be submitted in any of the working languages of the Committee.
4. The submission of Alternative Reports should be made through a cover letter signed by the Head of the respective NHRI and sent through the formal communication channels of the Committee.
5. In the event that an Affiliate wishes to keep its alternative report as a confidential document, an indication of the same should be mentioned in the Report or the cover letter transmitting the Report.

7.4. Content

1. An Alternative Report should include information regarding the methodology in which it was prepared.
2. The content of an Alternative Report by an Affiliate should follow the clusters of State Party Reports which are stipulated under the Guidelines on the Form, Content, and Consideration of Initial and Periodic State Party Reports.
3. Under each cluster, the Alternative Report should outline the progress achieved and challenges faced in implementation by the respective State Party.
4. The Report should inform the Committee about the concerns the Affiliate NHRI has with respect to the Report submitted by the State Party.
5. An Alternative Report should contain suggested recommendations under each Cluster which are specific, measurable, achievable, result oriented, and time bound.
6. The Alternative Report should underline priority areas in its recommendations to enable the Committee to understand the areas that need urgent attention given the specific country context.

7.5. Consideration of an alternative report

6. The Committee may decide to consider an Alternative report in one of its Sessions in the presence of the Affiliate NHRI through an interactive dialogue if the Affiliate NHRI agrees and bears the cost for participation in the consideration.
7. During the Consideration of the Alternative Report, the Committee undertakes examination of the State Party Report and the Alternative Report.
8. The Consideration of the Alternative Report is led by the Chairperson of the Committee and the Head of the Delegation of the Affiliate NHRI.
9. Affiliate NHRIs are encouraged to include children in their Delegation during consideration of their reports.
10. Participation in the consideration of an Alternative Report is based on invitation and the respective Affiliate should communicate the names of its Delegation in advance.
11. The consideration of an Alternative Report will include a presentation from the Delegation of the Affiliate NHRI, requests for clarifications from the Country Rapporteur and Members of the Committee, explanations, and responses from the Delegation of the NHRIs, concluding remarks by the Delegation and the Chairperson of the Committee.
12. The proceeding of the consideration of an Alternative report is an internal record and will be used by the Committee in the development of list of issues, concluding observations and recommendations, or inform other undertakings of the Committee in relation to the respective State Party.

Section 8: Relationship between the Committee and Affiliates/Associates

1. Affiliate NHRIs shall submit a report on the activities they have undertaken with respect to child rights matters and in relation to the mandate of the Committee every three years starting from the date of assuming the status before the ACERWC.
2. The Committee may invite Affiliate NHRIs to make presentations or submit briefings on selected matters as it deems necessary.
3. The Committee may assign responsibilities to its Affiliates on its recommendations and decisions to ensure monitoring of their implementation and receive updates on the same.

Section 9: Miscellaneous provisions

1. The Committee does not bear any duty to provide any kind of funding of whatsoever for Affiliate NHRIs on the activities they shall undertake pursuant to these Guidelines.

2. These Guidelines do not hinder the Committee from working with NHRIs which do not have Affiliate Status.
3. These guidelines shall come into force within 30 days after adoption by the ACERWC.

Adopted in 2019 and Amended in 2024