


<u>AFRICAN UNION</u>		<u>UNION AFRICAINE</u>
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		<u>UNIÃO AFRICANA</u> <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
<u>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia</u> <u>Tel: (220) 4410505 / 4410506; Fax: (220) 4410504</u> <u>E-mail: achpr@achpr.org; Web www.achpr.org</u>		

GUIDELINES FOR NATIONAL PERIODIC REPORTS

Introduction

1. It is directed by article 62 of the African Charter on Human and Peoples' Rights (1981) that States Parties shall undertake to submit every two years reports on the legislative and other measures they have taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the Charter. This direction was found necessary because, as we know, elaboration and acceptance of human rights legal instruments like the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, important as they are, are by themselves a mere beginning in the essential exercise of promotion, protection and restoration of human and peoples' rights; implementation of those instruments, by word and deed, is of parallel significance and is equally needed. One recalls the words of His Excellency Sir Dauda Jawara, referring to the African Charter, that the instrument should not be allowed merely to collect dust on our shelves while we sat back and did nothing about it. This message of His Excellency the President of the Gambia should establish the spirit in which these reports are to be compiled. In that the reports should show not only the achievements made on the statute book but should also lucidly reveal the extent of implementation in terms of how far the rights and fundamental freedoms of the Charter are being fulfilled and how far the duties are being successfully carried out.
2. The urgent desire of the Commission is that this system of periodic reports would create a channel for constructive dialogue between the states and itself on human and peoples' rights. The states being invited to report on the measures they have adopted and the progress made in achieving the objectives of the Charter, as well as indicating any factors and difficulties affecting the degree of fulfilment. The Commission, on the other hand, furnishing suggestions, advice and other assistance on satisfying the requirements of the Charter.
3. As a basic approach to the subject of reporting, it is suggested that the states begin with an initial general report, which would subsequently be followed by detailed periodic reports on the previous initial general report. Of course, a country with adequate resources and extensive satisfaction of all the requirements of the Charter might decide to make a voluminous, initial report showing comprehensive treatment of all the matters. The benefit from this approach is that subsequent reports may be thereby reduced in volume.
4. However, it is recommended that the initial report is, as it were, the foundation report on which the subsequent ones will be based, or it will constitute the background. In the first report the governments would describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the rights and duties covered in the Charter. For example in nearly all the main topics of the Charter such as the Civil and Political Rights; Economic and Social Rights; Elimination of all Forms of Discrimination Against Women; Elimination of all Forms of Racial Discrimination; etc, the initial report would begin by describing the constitutional and other statutory provisions respecting those matters, the programmes and other measures intended to meet the concerns of the Charter. In the following periodic reports, the governments would indicate the measures taken (if these were

already reported on close reference to those previous reports would suffice), the progress made in achieving the observance of the rights and duties of the Charter, and spell out the difficulties limiting success which they encountered in their efforts. A report on the new measures such as new legislation, new administrative decisions or judicial judgements passed to uphold these rights since the submission of the initial report would also be added. This means that the subsequent periodic reports will follow the topics as discussed in the initial reports.

5. In submitting the reports, it will facilitate their consideration if copies of the principal laws, regulations, collective agreements and judicial decisions mentioned in them are also forwarded.
6. Finally, in preparing these guidelines the provisions of articles 50 and 61 of the Charter have been the lighthouse directing the course followed and determining the substance included in this document. In this regard heavy reliance has been placed on international law of human and peoples' rights, the Charter of the United Nations and that of the Organization of African Unity, the Universal Declaration of Human Rights and other instruments of the United Nations and its Agencies accepted by African states. Purely African instruments and other written materials, which could be obtained, African practices, not at variance with international norms on human rights and other sources envisaged by the Charter have also been tapped in the preparation of this paper.

I. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS FROM STATES ON CIVIL AND POLITICAL RIGHTS

1. Reporting obligations of States Parties on the rights, duties and freedoms enshrined in the Charter regarding the legislative and other measures they have adopted to give effect to them, as expressed in article 62 of the Charter, call for preparation of periodic reports every two years from the effective date of the Charter. It is suggested that these reports be divided in A, Initial Reports; B, Periodic Reports.

Initial Reports

2. The purpose of these guidelines is to ensure that the reports are made in a uniform manner, reduce the need for the Commission requesting additional information and for it to obtain a clearer picture of the situation in each state regarding the implementation of the rights, fundamental freedoms and duties of the Charter.
3. Civil and political rights include the following: rights to life; prohibition of torture and ill-treatment; prohibition of arbitrary arrest or detention; arrested or detained persons to be treated with humanity; equality before the law and entitlement to equal protection before the law; freedom from slavery, servitude and forced labour; right to a fair trial; freedom of conscience, expression and assembly; right to receive and impart information; freedom of movement and residence; right to free participation in government of the country, and to equal access to public service; no imprisonment for breach of mere contractual obligation; right to privacy; no conviction for crime which was not a crime at the time of commission; and right to non-discrimination on the basis of race, ethnic group, colour, sex, language, religion, political or any other opinion, national or social origin, fortune, birth or other status. And all the other rights and duties recognised in articles 2 to 13 of the Charter.
4. The report should be in two parts.

(a) Part One: General

A brief description of the general legal framework within which civil and political rights are protected in the reporting state. The report should indicate:

- (i) Whether the rights, fundamental freedoms and duties in paragraph 3 (articles 2-13 of the Charter) are protected by the Constitution of the country or by a 'Bill of Rights' and whether there are provisions for derogations and in what circumstances;
- (ii) Whether the provisions of the Charter can be invoked before the courts, other tribunals or administrative authorities for direct enforcement or whether they have to be transformed into internal laws or regulations before they are enforceable by the authorities;
- (iii) What judicial, administrative or other authorities have jurisdiction affecting human rights;
- (iv) What remedies are available to an individual whose rights are violated;
- (v) What other measures have been taken to implement the provisions of the Charter.

(b) *Part Two*

Information in relation to each of the rights, duties and fundamental freedoms mentioned in paragraph 3, articles 2-13. Here the report should give a description on the basis of applicable articles of the Charter on:

- (i) The legislative, administrative or other measures in force with regard to the rights, duties or fundamental freedoms;
 - (ii) Any restrictions or limitation imposed thereon;
 - (iii) Any factors or difficulties affecting satisfaction thereof;
 - (iv) Any other information on the progress made on them.
5. Reports should be accompanied by copies of the principal legislative and other texts referred to in them. Where this is not possible the report should contain enough information to be understood in the absence of the text.
 6. The intention is to develop a constructive dialogue between states and the Commission in regard to the implementation and thereby contribute to mutual understanding, friendly and peaceful relations between states.

Periodic Reports

7. The aim of these reports is to complete the information required concerning each of these rights, duties and fundamental freedoms. These reports would also be in two parts:

(a) Part One

Information concerning the general framework within which the civil and political rights recognised by the Charter are protected in the reporting state.

(b) Part Two

Information on each of these rights, duties and fundamental freedoms in relation to appropriate individual articles of the Charter.

8. The contents of the report should bring out the following:
 - (a) Completion of the information before the Commission as to the measures adopted, taking account of questions raised in the Commission on the examination of any previous report including in particular additional information as to questions not previously answered or not fully answered;
 - (b) Information taking into account general comments which the Commission has made and transmitted to the reporting state, which general comments may also have been sent to the Assembly of Heads of State together with copies of the reports received from States Parties;
 - (c) Information on changes made or proposed to be made in the laws and practices relevant to the Charter;
 - (d) Information on action taken as a result of experience gained in co-operation with the Commission;
 - (e) Information on factors affecting and difficulties experienced in the implementation of the Charter;
 - (f) Information on progress made since the last report of fulfilment of the Charter.

9. The aim of the exercise is to show the degree of actual satisfaction of the rights, duties, and freedoms of the Charter; the reporting obligation therefore extends to the practices of the courts and administrative organs of the State Party, and other relevant facts.
10. The report is to be sent with copies of principal legislative and other texts mentioned in it.

II. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS ON ECONOMIC AND SOCIAL RIGHTS

1. As under civil and political rights it is suggested that the reports under economic and social rights should be of two types: Initial Reports and Subsequent Periodic Reports. The rights, duties and fundamental freedoms to be reported on should include the following: the right to work, just and favourable conditions of work; right to form and belong to free and independent trade unions, right to social security and social insurance; right to protection of family; right to highest attainable standard of physical and mental health; right to education; right to compulsory primary education; right to economic development; right to equal pay for equal work; etc.

Initial Reports

2. Governments should describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the right dealt with. Especially on the subject of economic development, the programmes directed at economic advancement should be stressed with regard to conditions and institutions envisaged or already developed.

The Right to Work – Article 15

3. *Principal laws*, administrative regulations, collective agreements and court decisions designed to promote and safeguard the right to work.
4. *Employment* – provide information on:
 - (a) The right of everyone to gain his living by work he freely chooses, with freedom from compulsion in the choice of employment and absence of discrimination in access to work;
 - (b) Policies and techniques to achieve steady economic and social development and full productive employment while safeguarding fundamental political and economic freedom of individuals;
 - (c) Measures ensuring the best possible organisation of employment market with reference to manpower planning procedures, collection and analysis of employment statistics and the organisation of an employment service;
 - (d) Technical and vocational guidance and training programmes;
 - (e) Protection against arbitrary termination of employment;
 - (f) Protection against unemployment.
5. *Statistical and other available information* on the level of employment and extent of unemployment and underemployment in the country; difficulties affecting the degree of realisation of the right to work and progress achieved.

Right to Just and Favourable Conditions of Work – Article 15

6. *Remuneration*
 - (a) Principal laws, administrative regulations, collective agreements and court decisions designed to promote and safeguard the right to fair remuneration;
 - (b) Principal methods used for fixing wages (minimum wagefixing machinery, collective bargaining, statutory regulations, etc) in the various sectors, and numbers of workers involved, information on the categories and numbers of workers for whom wages are not set by such methods;
 - (c) Information on components of workers' remuneration other than wages, such as bonuses, temporary cost of living differentials, etc;

- (d) Statistical data showing the evaluation of the levels of remuneration (covering minimum wages and average earnings in a representative sample of occupations);
- (e) Provisions and methods devised to ensure respect for the right to equal pay for work of equal value, and to ensure women are guaranteed conditions of work not inferior to those of men, with equal pay for work of equal value.

7. *Safe and healthy working conditions*

- (a) Principal laws, administrative regulations, collective agreements and court decisions designed to promote and safeguard the right to safe and healthy working conditions generally and in particular occupations;
- (b) Principal arrangements and procedures to ensure that these provisions are effectively respected in work places, such as inspection services, at national, industrial local levels entrusted with promotion or supervision of health and safety at work;
- (c) Information on any categories of workers for which these measures have not yet been fully implemented, and any progress made there;
- (d) Information on the number, nature and frequency of occupational accidents and cases of occupational disease.

8. *Equal opportunity for promotion*

- (a) Principal laws, administrative regulations, collective agreements and court decisions designed to further and safeguard equality of opportunity for promotion in employment;
- (b) Principal arrangements and procedures to implement this right in the public and private sectors, including training programmes, placement policies, promotion procedures, career planning and the extent of the participation of the workers' representatives in such arrangements;
- (c) Factors and difficulties affecting the degree of realisation of this right and progress achieved.

9. *Rest, leisure, limitation of working hours, and holiday with pay*

- (a) Principal laws, administrative regulations, collective agreements and court decisions designed to promote and safeguard the rights to rest, leisure, reasonable limitation of working hours, and periodic holidays with pay;
- (b) Information on the position, in law and practice, in the various sectors of activity as regards;
 - (i) weekly rest;
 - (ii) normal hours of work and overtime;
 - (iii) holidays with pay;
 - (iv) remuneration for public holidays;
- (c) Principal arrangements and procedures to implement these rights in the various sectors including industries and services where work is organised on a continuous basis, such as health care, the police, etc;
- (d) Factors and difficulties affecting the degree of realisation of these rights and progress achieved.

Trade Union Rights

10. *Principal laws, administrative regulations, collective agreements and court decisions designed to promote, safeguard or regulate trade union rights in their various aspects as defined in this article.*

11. *Right to form and join trade unions*
- (a) An indication of the legal or other provisions governing the right to join and form the trade union of one's choice. If formal provisions exist, a description of how the right is ensured in practice;
 - (b) Any restrictions which are placed upon the exercise of this right, with precise details of the legal provisions prescribing such restrictions.

12. *Rights of trade unions to federate*

Legal or other provisions governing the right of trade unions to join national federations and confederations and the right of the latter to form and join international trade union organisations, if no formal provisions exist, description of how this right is ensured in practice.

13. *Right of trade unions to function freely*

- (a) Conditions under which trade unions may exercise their right to function freely;
- (b) Any limitations to which this right may be subject.

14. *Right to strike*

Legal or other provisions governing or affecting the exercise of the right to strike; if no formal provisions exist, description of the position in practice in regard to this right.

- 15. Any special restrictions imposed upon the exercise of the trade union rights mentioned above by members of the armed forces, the police or the administration of the state.
- 16. Factors and difficulties affecting the degree of realisation of trade union rights in their various aspects, and progress achieved in this field.

Article 16.2 – Right to Social Security

- 17. Principal laws, administrative regulations, collective agreements, court decisions and other types of arrangements relating to the social security system, including social insurance schemes.
- 18. *Main features of the schemes in force* for each of the branches of social security listed below, indicating in particular, for each branch, the percentage of the population covered, the nature and level of benefits, and the method of financing the scheme:
 - (a) Medical;
 - (b) Cash sickness benefits;
 - (c) Maternity benefits;
 - (d) Invalidity benefits;
 - (e) Old-age benefits;
 - (f) Survivors' benefits;
 - (g) Employment injury benefits;
 - (h) Unemployment benefits;
 - (i) Family benefits.
- 19. *Factors and difficulties* affecting the degree of realisation of the right to social security; progress achieved as regards, in particular, the covering of new fields of social security; the extension of existing schemes to further groups of the population and improvements in the nature or level of benefits.

Periodic Reports

- 20. States Parties are invited to report on the measures that they have adopted and the progress made in achieving the observance of the rights recognised and to indicate any factors and difficulties affecting the degree of fulfilment of their obligations under these articles.

21. In the preparation of their second periodic report, States Parties are invited, in particular, to follow the same order of headings suggested in the general guidelines for the preparation of their initial report. However, information provided under each of those headings should concentrate especially on the following:
 - (a) Any new legislative or other measures adopted since the submission of the initial report to give effect to the rights recognised; developments regarding basic programmes and institutions which have taken place;
 - (b) Any changes made or proposed with regard to laws, regulations and practices affecting the exercise of the rights recognised;
 - (c) The extent to which effective progress has been made during the reporting period in achieving the observance of the recognised rights as a result of the enactment or modification of legislation, or as a result of collective agreements and court decisions;
 - (d) Factors and difficulties affecting the degree of realisation of the rights recognised;
 - (e) Replies to questions raised and observations made in the Commission or the Assembly of Heads of State and Government;
 - (f) Action taken as a result of the cooperation and dialogue with the Commission on the initial report.
22. Where relevant information has previously been submitted in the initial report, it will not be necessary to reproduce this information, but a precise reference to the information so furnished, preferably with indications of the relevant documents, will suffice.
23. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the second periodic report are also forwarded.

A. GUIDELINES FOR REPORTING ON ALL [RIGHTS RELATED TO] THE FAMILY: ADEQUATE STANDARD OF LIFE AND TO THE HIGHEST ATTAINABLE LEVEL OF HEALTH – ARTICLES 16 AND 18

Initial Reports

24. Governments are invited to report on 'the measures that they have adopted and the progress made in achieving the observance of the rights recognised' in those articles, and to indicate any 'factors and difficulties affecting the degree of fulfilment of their obligations under these articles'.
25. It is suggested that, in this second series of reports, governments should describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the rights dealt with, and that they should stress the developments regarding these conditions, programmes and institutions which have taken place since the entry into force of the Charter in June 1981.
26. Where relevant information has previously been furnished, it will not be necessary to reproduce this information; a precise reference to the information so furnished, preferably with indications of the relevant documents, will suffice.
27. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the reports are included.

Protection of the Family, Mothers and Children

28. It is suggested that information concerning the protection of the family should include:
 - (a) The principal laws, administrative regulations and collective agreements designed to promote the protection of the family, and relevant court decisions, if any;
 - (b) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family, and measures taken to abolish such customs, ancient laws and practices as may affect the freedom of choice of a spouse;
 - (c) Measures to facilitate the establishment of a family, such as subsidies or installation grants, the provision of housing and other benefits;
 - (d) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

29. Information on measures for maternity protection could include:
- (a) The principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection, and relevant court decisions, if any;
 - (b) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits, irrespective of marital status;
 - (c) Special protection and assistance accorded to working mothers, including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after childbirth;
 - (d) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;
 - (e) Specific measures designed to help mothers to maintain their children in the case of their husband's death or absence;
 - (f) Special measures devised to help the aged and the disabled to protect them in keeping with their moral and physical needs.
30. Information on measures for the protection of children and young persons could include:
- (a) The principal laws, administrative regulations and other measures, including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychological development without distinction or discrimination on account of birth, parentage, social origin or other conditions;
 - (b) Special measures for the care and education of children separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;
 - (c) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being subject to trafficking;
 - (d) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;
 - (e) Measures taken to prevent the employment of children and young persons in any work which would be dangerous to them, harmful of their moral or health or likely to hamper their normal physical and psycho-social development, and penalties imposed for violations of such measures;
 - (f) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

The Right to an Adequate Standard of Living

31. States are asked to provide information on general and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.
32. Information on measures concerning the right to adequate food could include:
- (a) The principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;
 - (b) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilisation of natural resources;
 - (c) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase the yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:
 - (i) The promotion of agricultural research, introduction and use of appropriate material, equipment and techniques;
 - (ii) Measures to disseminate knowledge on the use of such material, equipment and techniques;
 - (d) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste and to

- prevent degradation of resources (eg through soil conservation and water management);
- (e) Measures taken to improve food distribution, such as the improvement of communications between areas of production and food-marketing centres, the facilitation of access to markets, the introduction of price support and stabilisation measures, the control of abusive practices, and the assurance of minimum supplies to needy groups;
 - (f) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;
 - (g) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;
 - (h) Measures taken to disseminate knowledge of the principle of nutrition;
 - (i) Participation in international cooperation efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;
 - (j) Statistical and other available data on the realisation of the right to adequate food.
 - (k) Information concerning the right to adequate clothing could include:
 - (l) The principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;
 - (m) Measures taken, including specific programmes, to improve the methods of production and distribution of articles of clothing;
 - (n) Scientific and technical methods used to achieve an adequate supply of articles of clothing;
 - (o) The extent of participation in international cooperation contributing to the promotion of the right to adequate clothing.
33. Information concerning the right to housing could include:
- (a) The principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;
 - (b) Measures taken, including specific programmes, subsidies and tax incentives, to expand housing construction to meet the needs of all categories of the population, particularly low-income families;
 - (c) Information on the use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;
 - (d) Measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;
 - (e) Measures taken for the protection of tenants; such as rent control and legal guarantees;
 - (f) Statistical and other available data on the realisation of the right to housing.

The Right to Physical and Mental Health

34. It would be appreciated if information could be provided on the principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any, should be described.
35. Information should be provided on:
- (a) Measures taken to reduce the still-birth rate and infant mortality;
 - (b) Measures taken for the healthy development of children;
 - (c) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialisation, etc.;

- (d) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;
 - (e) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;
 - (f) The main features of existing arrangements for the provision of medical care and methods of financing them.
36. Statistical and other available data are requested on the realisation of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc.

Periodic Reports

37. States Parties are invited to report on the *measures* that they have adopted and the progress made in achieving the observance of the rights recognised and to indicate any *factors* and *difficulties* affecting the degree of fulfilment of their obligations under these articles.
38. In the preparation of their second periodic report, States Parties are invited, in particular, to follow the same order of headings suggested in the general guidelines for the preparation of their initial reports on the implementation. However, information provided under each of those headings should concentrate especially on the following:
- (a) Any new legislative or other measures adopted since the submission of the initial report to give effect to the rights recognised, in particular, developments regarding basic programmes and institutions which have taken place during the present reporting period;
 - (b) Any changes made which had been proposed with regard to laws, regulations and practices affecting the exercise of the recognised rights;
 - (c) The extent to which effective progress has been made during the reporting period in achieving the observance of the recognised rights as a result of the enactment or modification of legislation, or as a result of collective agreements and court decisions;
 - (d) Factors and difficulties affecting the degree of realisation of the rights;
 - (e) Replies to questions raised and observations made by the Commission;
 - (f) Comments on matters arising out of the consideration of reports;
 - (g) Action taken as a result of the cooperation and dialogue with the Commission.
39. Where relevant information has previously been submitted in the initial report or has been furnished, it will not be necessary to reproduce this information, but a precise reference to the information so furnished, preferably with indications of the relevant documents, will suffice.
40. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the second periodic report are attached.

B. GUIDELINES FOR REPORTING ON ALL THE RIGHTS TO EDUCATION; TO COMPULSORY PRIMARY EDUCATION

Initial Reports

41. Governments are invited to report on the measures which they have adopted and the progress made in achieving the observance of the recognised rights and to indicate any factors and difficulties affecting the degree of fulfilment of obligations.
42. It is suggested that in this third series of reports, governments should describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the rights dealt with, and that they should stress the developments regarding these conditions, programmes and institutions which have taken place since the entry into force of the Charter in June 1981.
43. It will not be necessary to reproduce this information, but a precise reference to the information so furnished, preferably with indications of the relevant documents, will suffice.

44. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the reports are attached.

Article 17.1 – Right to Education

45. Principal laws, administrative regulations, collective agreements, court decisions and other arrangements relevant to the right of everyone to education in its various aspects.
46. Measures taken to promote the full realisation of the right of everyone to education with a view of achieving:
- (a) The full development of the human personality and the sense of its dignity;
 - (b) The strengthening of respect for human rights and fundamental freedom;
 - (c) The development of human rights teaching;
 - (d) The effective participation of all persons in a free society;
 - (e) The promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.
47. *Right to primary education:*
- (a) Measures taken to achieve the full realisation of the rights of everyone to receive compulsory and free primary education, including special provisions relating to specific groups such as young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children belonging to indigenous sectors of the population, where applicable;
 - (b) Percentage of children covered by primary education;
 - (c) Extent to which primary education is free;
 - (d) Factors and difficulties affecting the degree of realisation of this right and progress achieved.
48. *Right to secondary education:*
- (a) Measures aimed at making secondary education in its different forms generally available and accessible to everyone;
 - (b) Measures aimed at making technical and vocational secondary education generally available and accessible to everyone;
 - (c) Plans and legal provisions adopted or proposed in order to achieve the progressive introduction of free secondary education for all with reference to problems encountered therein;
 - (d) Factors and difficulties affecting the degree of realisation of this right.
49. *Right to higher education:*
- (a) General and specific measures taken to make higher education equally accessible to all, on the basis of capacity;
 - (b) Practical steps taken to provide financial and other assistance to students in higher education, introduction of free higher education;
 - (c) Factors and difficulties related to making higher education equally accessible to all, including, in particular, problems of discrimination.
50. *Right to fundamental education:*
- (a) General and specific measures taken to encourage and intensify fundamental education for persons who have not received or completed the whole period of their primary education – for example, details of adult literacy programmes;

- (b) Factors and difficulties affecting the implementation of this right, including information on specific and disadvantaged groups, particularly in rural areas, for which appropriate measures have not yet been fully implemented;
- (c) Statistical data showing the evolution in the realisation of the right to fundamental education.

51. *Development of a system of schools:*

- (a) Principal laws, administrative regulations and collective agreements designed to promote the development of a system of schools at all levels;
- (b) Comprehensive schemes and practical measures taken to develop a system of schools, such as the provision of finance, the building of schools and the provision of educational material;
- (c) Statistical and other comparative data relating to the development of a system of schools at all levels;
- (d) Factors involved and difficulties encountered.

52. *Establishment of an adequate fellowship system:*

- (a) Principal laws, administrative regulations and collective agreements designed to establish an adequate fellowship system for all types of education;
- (b) Measures taken or proposed, including reference to programmes of affirmative action designed to overcome obstacles such as all forms of discrimination or poverty;
- (c) Factors involved and difficulties encountered.

53. *Improvement of the material conditions of teaching staff:*

- (a) Principal laws, administrative regulations and collective agreements and other types of arrangements designed to continuously improve the material conditions of teaching staff;
- (b) Measures adopted in the public and private sectors, including those relating to working conditions, salaries, social security, career possibilities and continuing education for teaching staff;
- (c) Extent to which teachers and their organisations are able to participate in the formulation of educational plans, both national and in the educational establishment in which they are employed, and preparation of curricula and teaching materials;
- (d) Factors and difficulties affecting improvement of the material conditions of teaching staff.

54. *Right to choice of school:*

- (a) Principal laws, administrative regulations, collective agreements and court decisions relating to the promotion of the right of parents and legal guardians to choose for their children schools other than those established by the public authorities;
- (b) Measures taken or proposed in order to promote the right of parents to ensure the religious and moral education of their children in conformity with their own convictions;
- (c) Measures taken or proposed in order to promote respect for this right, including the opportunity to attend a school where teaching is in the native language;
- (d) Factors and difficulties affecting the degree of realisation of this right.

55. *Liberty to establish and direct educational institutions:*

- (a) Principal laws, administrative regulations and collective agreements designed to prevent interference with the liberty of individuals and bodies to establish and direct educational institutions;
- (b) Practical measures designed to prevent interference with this liberty.

Principle of Compulsory Education, Free of Charge for All

56. Principal laws, administrative regulations and other decisions designed to secure in the territories under the jurisdiction of the reporting state the principle of compulsory primary education, free of charge for all.
57. Details of the plan of action, general and specific measures and stages adopted for the progressive implementation of the principle of compulsory education free of charge for all.
58. Factors and difficulties affecting the promotion of this principle.

III. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS TO BE SUBMITTED ON THE PEOPLES' RIGHTS - ARTICLES 19 TO 24 OF THE CHARTER

1. Reporting on these rights should have the same form as that on Economic and Social Rights or that on Civil and Political Rights.

Article 19 – All Peoples Shall be Equal

Initial Reports

2. To state the constitutional and statutory framework which seeks to protect the different sections of national community. Any administrative regulations with the same intention as well as judicial decisions intended to establish the same rights. Precautions taken to proscribe any tendencies of some people dominating another as feared by the article.

Periodic Reports

3. Information on the progress made since the submission of the initial report and further development on legislative and other measures undertaken in continuing the improvements initiated in the earlier report.

Article 20 – Right to Self-determination

Initial Report

4. Information on legislative and administrative machinery that exists to give effect to the provisions of the article, namely that:
 - (i) All communities are allowed full participation in political activities and are allowed equal opportunities in the economic activities of the country both of which should be according to the choices they have made independently;
 - (ii) Provide information on any form of assistance rendered to dominated people, in their liberation struggle against foreign domination be it political, economic or cultural;
 - (iii) Information on assistance in any form given to colonised or oppressed peoples to help them free themselves.

Periodic Reports

5. Information on the development in the efforts envisaged in the article.

Articles 21 and 22 – All Peoples Shall Freely Dispose of their Wealth or National Resources – Rights to Development

6. These rights consist in ensuring that the material wealth of the countries are not exploited by aliens to no or little benefit to the African countries. Establishment of machinery which would

monitor the exploitation of natural resources by foreign companies and strictly contrasted to the economic and material benefit accruing to the country. Cooperation with the Organization of African Unity and the appropriate United Nations Agencies on the viability and profitability of ventures for exploitation of natural resources proposed by foreign companies. Insistence on adequate taxation on all income derived by foreign companies in the reporting state. Adherence to compensatory ideas like payment of mineral royalty, etc, in addition to taxation. Cooperation with other African states in removing economic exploitation of African countries by international monopolies. Measures taken to encourage national entrepreneurship, either in the private or public sector, including such matters as provision of facilities for loan capital for industrial utilisation of local natural resources and wealth.

Initial Report

7. Report on the basic legal framework to safeguard the country against international exploitation.

Periodic Reports

8. Progress report on the development since the initial report.

Article 23 – Peoples’ Right to National and International Peace and Security

9. To work for international and national peace and security in accordance with the principles of solidarity and friendly relations affirmed by the Organization of African Unity Charter and that of the United Nations.
10. Information on statutory and administrative measures designed to restrain refugees allowed into the country under article 12 from engaging in subversive activities against their country of origin or any other State Party to this Charter. Prohibition of subversive or terrorist activities against other States Parties to this Charter being organised or launched from their territories.

Article 24 – Peoples’ Right to Satisfactory Environment

11. The main purpose here is to protect the environment and keep it favourable for development. Establish a system to monitor effective disposal of waste in order to prevent pollution. As a nation and in cooperation with other African states to prohibit and penalise disposal of waste on the African soil by any company.

Initial Reports

12. The principal legislation and other measures taken to fulfil the intentions of the article regarding prohibition of pollution and efforts to prevent international dumping of toxic wastes or other wastes from industrialised countries. Scientific and efficient methods utilised for effective disposal of locally produced wastes.

Periodic Reports

13. Continuation of development to curb wastes and removal of pollution on land, in water and in the air.

Article 17.2 – Right to Take Part in Cultural Life and to Enjoy the Benefits of Scientific Progress and the Protection of the Interests of Authors

14. *Right to take part in cultural life:*

- (a) Principal laws, administrative regulations, collective agreements and court decisions relating to the right of everyone to take part in cultural life, including those aimed at the conservation, development and diffusion of culture;
- (b) Practical measures for realisation of this right, including:
 - (i) Information on the availability of funds for the promotion of cultural development and popular participation in cultural life, including information on public support for private initiative;
 - (ii) A description of the institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres and cinemas;
 - (iii) Overall policy and specific measures aimed at the promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions;
 - (iv) An indication of measures and programmes aimed at promoting awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous sectors of the population;
 - (v) A description of the role of mass media and communications media in promoting participation in cultural life;
 - (vi) Overall policy and specific measures aimed at the preservation and presentation of mankind's cultural heritage;
 - (vii) Legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limitations imposed on this freedom;
 - (viii) Information on professional education in the field of culture and art;
 - (ix) Any other measures taken for the conservation, development and diffusion of culture;
- (c) Factors involved and difficulties encountered.

15. *Right to enjoy the benefits of scientific progress and its applications:*

- (a) Principal laws, administrative regulations, collective agreements and court decisions relevant to the promotion of the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science;
- (b) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose;
- (c) An indication of measures taken to promote the diffusion of information on scientific progress;
- (d) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the right to life, health, personal freedom, privacy and the like;
- (e) Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions.

16. *Protection of moral and material interests of authors:*

- (a) Principal laws, administrative regulations, collective and other agreements and court decisions relevant to the right of everyone to benefit from the protection of moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author;

- (b) Information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities;
- (c) Difficulties affecting the degree of realisation of this right.

17. *Steps taken for the conservation, development and diffusion of science and culture:*

- (a) Principal laws, administrative regulations, collective agreements and court decisions designed to conserve, develop and diffuse science and culture at the constitutional level, within the national educational system and by means of the communications media;
- (b) Information on all other practical steps taken to promote such conservation, development and diffusion.

18. *Right to the freedom of scientific research and creative activity:*

- (a) Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote the right of everyone to the freedom indispensable for scientific research and creative activity;
- (b) Information on measures designed to promote enjoyment of this right including promotion of all necessary conditions and facilities for scientific research and creative activity;
- (c) Measures taken to guarantee the free exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative activists;
- (d) Factors involved and difficulties encountered.

19. *Encouragement and development of international contacts and cooperation in the scientific and cultural fields:*
- (a) Principal laws, administrative regulations and collective agreements designed to encourage and develop international contacts and cooperation in the scientific and cultural fields;
 - (b) Information on measures taken for:
 - (i) The fullest utilisation, by all the states concerned, of the facilities afforded by their adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields;
 - (ii) Participation by scientists, writers, artists and others involved in scientific research or creative activity, in international scientific and cultural conferences, seminars, symposiums, etc;
 - (c) Factors and difficulties affecting the development of international cooperation in the scientific and cultural fields.

IV. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS TO BE SUBMITTED ON SPECIFIC DUTIES UNDER THE CHARTER

1. These reports are to be submitted on the specific duties expressed in the Charter. These duties are either for States Parties or for individual persons in these countries. The format of these reports should be the same as on rights, namely they should consist of Initial Reports and Periodic Reports.

Specific Duties on States

Article 25 – Duty to Promote Awareness of the Charter

2. This article requires the states to take measures which will bring awareness of the provision of the Charter to their people. It envisages organisation of seminars and studies on the activities of the Organization of African Unity in the area of human and peoples' rights; promotion and encouragement of observance of the rights and duties recognised in the Charter; report on what steps your country has taken in this area.

3.

Article 26 – Duty to Guarantee the Independence of the Courts

4. The article requires the states to take steps to guarantee the independence of the judiciary with regard to the following:
- (a) Establishment of a legal educational system designed to protect human and peoples' rights and respect for the rule of law;
 - (b) A legal educational system directed at training independently-minded lawyers;
 - (c) Appointment of judges to be based purely on merit and qualifications;
 - (d) Judges to be assured tenure of office and not to be lightly removed save for misconduct after a recommendation by a special commission appointed for the purpose of investigating the misconduct;
 - (e) Encourage formation of institutions charged with the responsibility to promote and protect rights guaranteed by the Charter.

Specific Duties [of] Everyone

Article 27

5. *Every individual* shall have duties towards other people, society, family and the international community. The personal rights shall be enjoyed subject to the rights and fundamental freedoms of others. Personal and private rights shall not be selfishly insisted upon at the

expense of family, society, state, other legally recognised communities' and international community's interests. Individual rights are to be enjoyed with due regard to the rights of others, collective security, morality and common interest. Activities in curbing personal and private interests for the benefit of the interests protected by the article.

Article 28

6. *Everyone* shall abstain from discrimination against fellow human beings and shall maintain relations conducive to promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

7. *Every individual* shall observe the duties enunciated in the article. A full report on each of the duties should be provided.

Initial Report

8. On each of these duties the reporting state should furnish the principal statutes and administrative regulations and, where applicable, courts' decisions establishing the atmosphere for enforcement and effectuation of these duties.

Periodic Reports

9. Some of these valuable traditional duties might have been treated lightly in some African countries because of the overwhelming Western influence in the past colonial days; it might therefore become necessary to establish programmes for carrying out these duties. The Commission would expect periodic reports on the progress on these programmes.

V. GENERAL GUIDELINES CONCERNING THE FORM AND CONTENTS OF REPORTS BY STATES PARTIES ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

- Although there is no specific or direct prohibition of racial discrimination, as such, in the Charter except as mentioned in articles 2, 19 and generally elsewhere in the Charter, the general tone of the Charter abhors racial discrimination. Further, Africa, for so long the victim of racial discrimination, would expect the Commission and the States Parties to the Charter to work for elimination of all forms of racial discrimination. It was therefore decided that the subject of racial discrimination should be included as a subject for periodic reports in full recognition of the Charter of the Organization of African Unity's commitment to elimination of racial discrimination.
- The same basic approach to the subject in preparing reports on other topics is equally applicable to the one on racial discrimination; the International Convention on the Elimination of All Forms of Racial Discrimination is here used as the basis for preparing these guidelines.
- In selecting information for inclusion in their reports, States Parties should bear in mind the definition of the term 'racial discrimination' as reflected in article 1, paragraph 1, of the Convention, as well as the provisions of article 1, paragraphs 2, 3 and 4, which refer to situations not considered as racial discrimination.
- The report should also reflect in all its parts the actual situation as regards the practical implementation of the provisions of the Convention and the progress achieved.
- The report should be presented in two parts, as follows:

A. Part One – General

- This part should:
 - (a) Describe briefly the policy of eliminating racial discrimination in all its forms and the general legal framework within which racial discrimination as defined in article 1, paragraph 1, of the Convention is prohibited and eliminated in the reporting state, and the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are promoted and protected;
 - (b) Indicate whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether they have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

B. Part Two – Information in relation to Articles 2 to 7 of the Convention

- This part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions.
- The Commission requests States Parties to incorporate in this part, under the appropriate headings, the texts of the relevant laws, judicial decisions and regulations referred to therein as well as all other elements which they consider essential for the Commission's consideration of their reports.
- The information should be arranged as follows:

Article 2

- (a) Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:
 - (i) Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (ii) Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organisations.
- The States Parties should provide information on which of the suggested steps they have taken, such as:
 - (i) To declare illegal and prohibit organisations, and also organised and all other propaganda activities, which promote and incite racial discrimination, and to recognise participation in such organisations or activities as an offence punishable by law;
 - (ii) Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination;
- (a) Information on appropriate measures taken to give effect to General Recommendation that the States Parties whose legislation was deficient in respect of the implementation of article 4 should consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirement of article 4(a) and (b) of the Convention.
- (b) States are requested:
 - (i) To indicate what specific penal internal legislation designed to implement the provisions of article 4 (a) and (b) has been enacted in their respective countries and to transmit to the Commission in one of the official languages the texts concerned, as well as such provisions of general penal law as must be taken into account when applying such specific legislation;
 - (ii) Where no such specific legislation has been enacted, to inform the Commission of the manner and the extent to which the provisions of the existing penal laws, as applied by the courts, effectively implement their obligation under article 4 (a)

and (b), and to transmit to it in one of the official languages the texts of those provisions.

Article 5

- Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention, in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of:
 - (i) The right to equal treatment before tribunals and all other organs administering justice;
 - (ii) The right to security of person and protection by the state against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
 - (iii) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public service;
 - (iv) Other civil rights, in particular those enumerated under article 5 (d), (i) to (ix), of the Convention;
 - (v) Economic, social and cultural rights, in particular those enumerated under article 5(e), (i) to (vi), of the Convention;
 - (vi) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks;
 - (a) Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting state effective protection and remedies, through the competent national tribunals and other state institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms;
 - (b) Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination;
 - (c) Information on the practice and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

Article 7

- Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention.
- In particular, the reports should provide as much information as possible on each of the main subjects mentioned in article 7 under the following separate headings: Education and teaching, Culture, Information; within these broad parameters, the information provided should reflect the measures taken by the States Parties:
 - (i) to combat prejudices which lead to racial discrimination;
 - (ii) to promote understanding, tolerance and friendship among nations and ethnic groups.

Education and teaching

- This part should describe legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination.

- It should indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups.
- It should also provide information on whether the purposes of the Charter of the United Nations and that of the Organization of African Unity, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and International Convention on the Elimination of All Forms of Racial Discrimination are included in education and teaching.

Culture

- Information should be provided in this part of the report on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups.
- Information should also be included on the work of solidarity committees or United Nations Associations and the Organization of African Unity activities to combat racism and racial discrimination, and on the observance by States Parties of Human Rights Days or campaigns against racism and *apartheid*.

Information

- This part should provide information:
 - (a) On the role of state media in the dissemination of information to combat racial prejudices which lead to racial discrimination, and to inculcate better understanding of the purposes and principles of the above-mentioned instruments;
 - (b) On the role of the mass information media, ie the press, radio and television, in the publicising of human rights and disseminating of information on the purposes and principles of the above-mentioned human rights instruments.
- If needed, the reports should be accompanied by sufficient copies in one of the working languages (English, French, Arabic or Portuguese) of all other supplementary documentation which the reporting states may wish to have distributed to all members of the Commission in connection with their reports.

VI. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS TO BE SUBMITTED BY STATES PARTIES ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

1. Under article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the States Parties to the Convention undertake 'to submit periodic reports to the Group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention'. The system of *apartheid* is such an obnoxious institution to Africa that the Commission decided that it would welcome periodic reports on the efforts to eliminate the system.
2. The Commission suggests that reports be submitted on these lines:
 - (a) Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:
 - (i) That *apartheid* is a crime against humanity and that inhuman acts resulting from the policies and practices of *apartheid* and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charters of the United Nations and the Organization of African Unity, and constituting a serious threat to international peace and security;
 - (ii) That organisations, institutions and individuals committing the crime of *apartheid* are considered criminal;

- (b) Information on the legislative, judicial, administrative or other measures that have been adopted and give effect to the following provisions of the Convention:
 - (i) The undertaking, as required under article IV (b) of the Convention, to adopt legislative, judicial and administrative measures to prosecute, bring to trial and punish in accordance with their jurisdiction persons responsible for, or accused of, the acts defined in article II of the Convention, whether or not such persons reside in the territory of the state in which the acts are committed or are nationals of that state or of some other state or are stateless persons;
 - (ii) Article III of the Convention, that international criminal responsibility shall be applied, irrespective of the motive involved, to individuals, members of organisations and institutions and representatives of the state, whether residing in the territory of the state in which acts are perpetrated or in some other state, whenever they (1) commit, participate in, directly incite or conspire in the commission of the acts mentioned in article II of the Convention; (2) directly abet, encourage or co-operate in the commission of the crime of *apartheid*;
 - (iii) The undertaking, as provided for under article XI of the Convention, to grant extradition in accordance with their legislation and with the treaties in force, in cases enumerated in article II of the Convention;
- (c) Information on the legislative, judicial, administrative or other measures that have been adopted:
 - (i) To undertake, as required under article IV (a) of the Convention, to adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of *apartheid* and similar segregationist and discriminatory policies or their manifestations and to punish persons guilty of that crime;
 - (ii) To acquaint the public as widely as possible with the evils of *apartheid* and the text of the Convention using all the information and other media at their disposal;
- (d) Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the undertaking, as required under article VI of the Convention, to accept and carry out in accordance with the Charter of the United Nations the decisions taken by the Security Council aimed at the prevention, suppression and punishment of the crime of *apartheid*, and to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention, similarly to likewise carry out the decisions of the Assembly of Heads of State on the painful subject of *apartheid*;
- (e) States Parties should endeavour where possible to identify in their periodic reports individuals, organisations, institutions and representatives of states which are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by the State Party to the Convention;
- (f) The reports should contain, as appropriate, decisions of the courts or the competent tribunals of the State Party relating to cases falling within the scope of article II of the Convention, as provided for under article V of the Convention, as well as information relating to cases of extradition in accordance with article XI of the Convention.

VII. GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS RECEIVED FROM STATES PARTIES ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1. Under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, each State Party has undertaken to submit a report on the legislative, judicial, administrative or other measures which it has adopted to give effect to the provisions of the Convention and on the progress made in this respect within one year after the entry into force of the Convention for the reporting state and thereafter at least every four years and further whenever the Committee on the Elimination of Discrimination against Women established under the Convention so requests.

2. Discrimination against women in Africa is of such widespread occurrence that the Commission would also like to receive reports on measures to eliminate this anachronism.
3. The report should be in two parts. Part One should describe:
 - (a) As concisely as possible the actual, general, social, economic, political and legal framework within which a State Party approaches the elimination of discrimination against women in all its forms, as defined in the Convention;
 - (b) Any legal and other measures adopted to implement the Convention or their absence as well as any effects which ratification of the Convention has had on the State Party's actual, general, social, economic, political and legal framework since entry into force of the Convention for the reporting state;
 - (c) Whether there are any institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with in practice, and what remedies are available to women who have suffered discrimination;
 - (d) The means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men;
 - (e) Whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.
4. Part Two should provide information in relation to each provision of the Convention:
 - (a) The constitutional, legislative and administrative provisions or other measures in force;
 - (b) The developments that have taken place and the programmes and institutions that have been established since the entry into force of the Convention;
 - (c) Any restrictions or limitations, even of a temporary nature, imposed by law or practice or in any other manner on the enjoyment of each right;
 - (d) Any other factors or difficulties affecting the exercise and enjoyment of each right;
 - (e) Any other information on progress made in the fulfilment of each right.
5. It is recommended that the reports should not be confined to mere lists of legal instruments adopted in the country concerned in recent years but should also include information indicating how these legal instruments are reflected in the actual, economic, political and social realities and general conditions existing in their countries. Data concerning these realities and conditions should also be supplied with a breakdown of the statistics on the category of sex.
6. States Parties are invited to submit copies of the principal legislative, judicial, administrative and other texts referred to in the report so that these can be made available to the Commission. It is desirable therefore that, when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without the actual reference.
7. The reports should reveal obstacles to the participation of women on an equal basis with men in the political, social, economic and cultural life of their countries, and give information on types and frequencies of cases of non-compliance with the principle of equal rights.
8. The reports should also pay due attention to the role of women and their full participation in the solution of problems and issues which are referred to in the preamble and which are not covered by the articles of the Convention.
9. The reports and the supplementary documentation should be submitted in one of the working languages of the Commission (Arabic, English, French, Portuguese) in as concise a form as possible.