

Guidelines on Observer Status of Non- Governmental Organisations (NGOS) and Associations

PART I: CRITERIA FOR GRANTING OBSERVER STATUS

INTRODUCTION

The AU African Committee of Experts on the Rights and Welfare of the Child, in conformity with Article 42 of the Charter and Articles 34, 37, 81 and 82 of the Rules of Procedure on representation and cooperation with civil society organisations grant observer status to civil society organisations according to the following criteria and principles.

SECTION I: Principles to be Applied in Granting Observer Status in the AU African Committee of Experts on the Rights and Welfare of the Child

1. The aim and objectives of NGOs/Associations applying for Observer Status should be in keeping with the spirit, objectives and principles of the Constitutive Act of the African Union and of the African Committee of Experts on the Rights and Welfare of the Child and those enshrined in the Charter.
2. The NGOs/Associations shall undertake to support the work of the African Union and the Committee, and promote the dissemination of information on its principles and activities, in accordance with the aims and objectives, the nature and areas of competence and activities.
3. The NGOs and Associations working on human rights in general and for the promotion and protection of the child in particular should have a recognized reputation in their particular areas.
4. The NGOs/Associations should:
 - a) Be registered in a State Party, at least three (03) years before the submission of the request, to undertake without restriction regional and continental activities as African Civil Society Organisations or of the diaspora working in the area of defending, protecting and promoting the rights of children; and
 - b) Provide proof of their official recognition as well as their activities during that period or
 - c) If it is a Non-Governmental Organization of the Diaspora (as recognized by the African Union), it should submit the names of at least two (2) AU Member States or civil society organizations recognized by the Union that are well acquainted with the organization and are willing to certify its authenticity.
5. The NGOs/Associations should have:
 - a) a recognized headquarters and an executive organ;
 - b) democratically adopted statutes, a copy of which shall be deposited with the Chairperson of the Committee of Experts;

- c) a representative structure and appropriate mechanisms to enable them to report to their members who should exercise effective control over their policies, through an appropriate democratic and transparent decision-making process;
- d) an administration comprising a majority of African citizens or Africans from the Diaspora as defined by the executive council and an elected children's representative whenever possible. These conditions shall not be applicable to International Non-Governmental Organisations.

6. Any NGO/Association that practices discrimination on any of the prohibited grounds in the Charter or practices any form of exploitation or abuse of children cannot enjoy observer status.

7. The NGO/Association applying for observer status should have adequate interaction with the ACERWC prior to applying.

SECTION II: Application Procedure for Non-Governmental Organizations

1. Any NGO/Association wishing to obtain Observer Status should submit:
 - a) A written application addressed to the Committee, stating its intention, before the Session of the Committee.
 - b) its statute or charter; an updated list of its members; all the details concerning their different sources of financing including voluntary contributions from external sources, the amount and names of Donors should be accurately indicated. Any financial support or contribution granted directly or indirectly by a state should be duly declared in its financial statement, which should be regularly presented to the Committee..
 - c) A memorandum of activities containing a presentation of the past and present activities of the NGO/Association; its links, including any links outside Africa and any other information which will help to define its identity, and above all, its area of activity.
- 2.. The submission of documents shall **be in one of the two** (English or French) working languages of the Committee either in soft copy or in hard copy.

SECTION III: Procedure for Consideration of Applications by the Committee

1. The Committee shall, during its ordinary sessions, in conformity with the agenda prepared, consider the applications received within the set deadline..
2. The Committee shall, on the basis of defined criteria and principles, decide on the applications considered during its session and inform, **through the Secretariat** of the

Committee, the organizations and Associations of the decisions of the Committee, without delay.

SECTION IV: Participation of Observers in the Deliberations of the Committee

The representatives of NGOs/Associations enjoying Observer Status may:

1. Be invited to be present at all the opening and closing ceremonies;
2. Participate in meetings of the Committee in conformity with the conditions provided for in this section.
3. Have access to documents of the Committee provided these documents:
 - a) are not confidential;
 - b) deal with issues concerning the observers;
4. The documents of the Committee shall be distributed in accordance with the documents classification system adopted by the Committee
5. Be invited to attend closed sessions to consider issues, which concern them.
6. Participate, without voting rights, in the deliberations of meetings, to which they are invited, with the authorization of the Chairperson.
7. Observers may be authorized by the Chairperson to make a statement on issues concerning them, provided that the text of the statement is communicated in advance to the Chairperson.
8. The Chairperson of the meeting may give the floor to observers to enable them to reply to questions they may be asked by members.
9. Observers may request the inclusion of issues of particular interest to them on the agenda of the meeting.

SECTION V: Relations between the Committee and Observers

1. The NGOs/Associations enjoying Observer Status undertake to establish close cooperation relations with the Committee and hold regular consultations with the latter on all issues of common interest.
2. The Chairperson of the Committee may authorize any NGO/Association enjoying Observer Status, which has legally changed its name or legally succeeded an organization, which enjoyed Observer Status, to continue to enjoy the said status under its new name.
3. The Committee may suspend or withdraw the Observer Status; if it appears that an NGO/Association enjoying this status has ceased to meet the exigencies define in the present document..

4. Granting, suspension or withdrawal of Observer Status of an NGO/Association is the prerogative of the Committee and may not be the subject of a judgement of a court or tribunal.

SECTION VI: Final Provisions

1. Granting of Observer Status to an NGO/Association does not incur any obligation on the part of the Committee to allocate a subsidy or any material assistance whatsoever to this NGO/Association.
2. Observers shall bear the expenses for their transport and stay at the venue of the conference.
3. These criteria can be amended if necessary

Part II: Reporting by Non-governmental Organisations (NGOs) and Association with Observer Status

All NGOs/Associations enjoying Observer Status with the Committee should submit analytic reports on their activities every two years (2) years. The submission of these reports presents an opportunity for NGOs to inform the Committee about the activities they have undertaken to promote the implementation of the Charter and in support of the Committee. The report also enables the Committee to assess the civil society space for the promotion and protection children's rights and update itself on emerging trends to inform its engagement with State Parties

A. CONTENT OF THE REPORT

I Introduction to the organisation

1. The organisation should provide information describing itself, including the following information:
 - a) The aims and purposes of the organisation, and how the organisation works to achieve these aims and purposes;
 - b) The geographical coverage of the work of the organisation;
 - c) The legal status of the organisation, including changes to its registration status, constitution, or by-laws;
 - d) The organisational structure, including names of the management office bearers and how they were elected or appointed to office; and
 - e) Membership in coalitions or networks.

II Operational environment

2. The organisation should briefly provide information about the general political, economic, social, cultural, and legal environment in which it operates. It should particularly highlight any significant developments that have positively or negatively impacted its work during the reporting period.

III Financial status and viability of the organisation

3. The organisation should provide information about its financial status, including:
 - a) Sources of funding, with each source presented as a proportion of its

contribution to the whole budget of the organisation.

- b) The total budget and actual expenditure of the organisation during the reporting period, disaggregated to reflect expenditure on programmes vis-à-vis administrative operations (e.g. salaries, rent and overhead costs), as well as the budget allocated for each activity.

IV Activities undertaken to promote the implementation of the Charter

4. The organisation should provide information on the activities it has undertaken during the reporting period to promote the implementation of the Charter, including but not limited to the following:
 - a) activities aimed at direct realization of the rights enshrined in the Charter, including lessons learnt during the implementation of those activities;
 - b) activities at the domestic or national level aimed at monitoring implementation of the Charter by a state party;
 - c) activities undertaken to ensure or facilitate the implementation of concluding observations or other recommendations of the Committee;
 - d) activities undertaken to celebrate the Day of the African Child (June 16); and
 - e) activities undertaken to disseminate the Charter.

V Contribution to the work of the Committee

5. The organisation should provide information about its contribution to the work of the Committee, including contribution relating to the following mandate areas of the Committee:
 - a) collection and documentation of information, assessment of situations of African problems in the fields of the rights and welfare of the child, and organisation of meetings;
 - b) formulation of principles and rules aimed at protecting the rights and welfare of children in Africa (e.g. contribution to formulation of general comments);
 - c) consideration of state party reports submitted to the Committee pursuant to article 43 of the Charter (e.g. submission of shadow reports and country briefings);
 - d) determination of communications received by the Committee pursuant to article 44 of the Charter (e.g. submission of communications or filing of amicus briefs); and

- e) investigations conducted by the Committee pursuant to article 45 of the Charter.

VI Participation in the activities of the Committee

- 6. The organisation should provide information about its participation in the activities of the Committee, including participation in the following activities:
 - a) ordinary and extraordinary sessions of the Committee - . Information about participation in sessions may include oral or written statements made during these sessions and parallel or side events organised;
 - b) closed or private meetings of the Committee; and
 - c) meetings or events organised by the Committee during the inter-session period, including those organised during country visits.

VII Support of the relevant work of the African Union

- 7. The organisation should provide information on the activities it has undertaken during the reporting period to support specific programmes of the African Union (AU) that concern the promotion and protection of the rights and welfare of the child and Agenda 2040.
- 8. The organisation should also provide information about its participation in AU activities, including:
 - a) participation in relevant events during AU summits and other relevant meetings such as sessions or meetings of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.; and
 - b) collaboration or partnership with the Department of Social Affairs of the AU Commission or any other relevant organs or institutions of the AU.

VII Challenges

- 9. The organisation should describe the challenges that it faced during the reporting in:
 - a) Promoting the implementation of the Charter;
 - b) Participating in the activities of the Committee and of the African Union;

IX Additional information

- 10. The organisation may provide any other important additional information that it would wish to share with the Committee such as judicial decisions on child rights issues.

B **FORMAT OF THE REPORT**

11. The report should be presented in a simple and concise language. It should be written in the third person, avoiding the use of proper names and titles of individuals affiliated to the organisation.

12. The report should not exceed 10 pages or 4,500 words. It should not include footnotes or endnotes. In order to conform to the content requirements of these guidelines, the report should be structured in the following order:
 - a) Introduction
 - b) Operational environment
 - c) Financial status and viability of the organisation
 - d) Activities undertaken to promote the implementation of the Charter
 - e) Contribution to the work of the Committee
 - f) Participation in the activities of the Committee
 - g) Support of the relevant work of the African
 - h) Additional information

13. The report should include a table of contents and a list indicating the meaning of all abbreviations used in the report.

INFORMATION NOTE

The purpose of this Information Note is to provide guidance to the Committee on the general approach to reports submitted to the Committee by NGO pursuant to section V(2) of the Committee's Criteria for Granting Observer Status to Non-governmental Organisations (NGOs) and Associations. The Information Note is a strictly internal document for use by the members of the Committee and its Secretariat. It covers the following aspects: nature of the review; working group on NGOs; reporting cycle; and the outcome of the review process. It also provides brief explanations on specific provisions contained in the Guidelines.

Nature of the review: The review should be viewed as a process that benefits both the Committee and NGOs with observer status. As such, the guidelines have been formulated to ensure that through the reports the Committee will gather information that will enable it to assess, including statistically, trends across the continent on the promotion and protection of child rights.

In order to ensure that the review process does not take considerable time and resources of the Committee, it should be confined to textual analysis of the reports. Only in rare and exceptional circumstances should an NGO be invited to present its report orally before the Committee.

Working Group on NGOs: It is recommended that the Committee creates a working group that will be responsible for reviewing reports and making recommendations to the entire Committee for consideration. This Committee may be comprised of selected members of the Committee and the Secretariat.

Reporting cycle: The Committee should provide on its website the reporting cycle, setting out dates when reports are due and when they will be considered. The reporting cycle for each NGO should be based on the year in which the NGO received observer status. The Committee should also provide a deadline on when reports should be submitted.

Outcome of the review process: After the conclusion of every review process, the Committee should communicate to the concerned NGO the outcome of the process, including providing an official acknowledgment of the specific contribution of the NGO to the work of the Committee.

EXPLANATORY NOTES ON SPECIFIC GUIDELINES:

	Guideline	Explanatory Note
1	Operational environment	Information provided under this heading will help gathering information that will assist the Committee to assess, across space and time, the environment in which NGOs that work on child rights operate. In recent years, several African governments have enacted laws and policies whose net effect is to reduce the space for civil society operations including those working on child rights. The Committee may use such information when reviewing a state party report submitted pursuant to section 43 of the African Charter on the Rights and Welfare of the Child. When gathered over a substantive period of time, such information could form the basis of formulating a policy document such as a general comment.
2	Financial status and viability of the organisation	The emphasis for information provided under this heading should be on determining what proportion of organisations' actual expenditure go directly into the promotion and protection of the rights and welfare of children. With this information, it will be possible for the Committee to statistically determine trends on spending on child rights by NGOs.
3	Activities undertaken to promote the implementation of the Charter	From information submitted by NGOs under this heading, the Committee should be in a position to collect data on best practices in the promotion and protecting of child rights from various parts of the continent. This information may also be useful for the Committee when considering state party reports submitted pursuant to article 43 of the Charter.
4	Contribution to the work of the Committee Participation in the work of the Committee	These guidelines are meant to encourage NGOs to actively contribute to and participate in the work of the Committee.
5	Support of the relevant work of the African Union	The AU programmes listed under this sub-heading are presented only as examples and the list should not be treated as conclusive. Where new programmes relating to child rights are introduced by the AU, the Committee should require NGOs to also report on their activities targeted towards these new programmes.
6	Challenges	Information provided under this heading should especially assist the Committee to get feedback on challenges that NGOs that engage with it and the AU face in the process. This information should then be used to address those challenges.