

AFRICAN UNION

*African Committee of Experts on the Rights  
and Welfare of the Child (ACERWC)*

الاتحاد الأفريقي



*"An Africa Fit for Children"*

UNION AFRICAINE

*Comité Africain d'Experts sur les Droits et le  
Bien-être de l'Enfant (CAEDBE)*

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## **Terms of reference for Country and Thematic Rapporteurs of the ACERWC**

### **Introduction**

DRAWING its mandate from Article 38 (1) of the African Charter on the Rights and Welfare of the Child, which gives the ACERWC to establish its own Rules of Procedures, the Committee has developed its Rules of Procedures in 2013 and revised the same in 2015;

According to Rule 58 of the Revised Rules of Procedure, the ACERWC may establish special mechanisms and assign specific tasks or mandates to either an individual member or group of members concerning the preparation of its periods of sessions or the execution of special programs, studies and projects;

As clearly enunciated in the preamble of the Revised Rules of Procedure such "Special mechanisms" shall be understood to mean either special rapporteur, working group, study group, sub-committee or other subsidiary body established by the Committee with a specific mandate;

Accordingly, during the 28<sup>th</sup> ordinary Session which was held 21<sup>st</sup> October – 1<sup>st</sup> November 2016 in Banjul, the Gambia, the ACERWC decided to establish country and thematic based rapporteurs;

The following Terms of Reference is therefore established to guide and define the roles, functions and responsibilities of the established Mechanisms.

## **Section I: The ACERWC has established two types of rapporteurs:**

- 1.1. Country Rapporteurs
- 1.2. Thematic Rapporteurs

## **Section II: Roles and Responsibilities of the Rapporteurs**

### **2.1. Roles and responsibilities of Country Rapporteurs**

2.1.1. **Lead on State Party Reporting Mechanism:** The Country Rapporteur will be responsible in guiding and overseeing the reporting processes once a State Party has submitted its report on the implementation of the Charter. The function includes:

- a) Engage State Parties to comply with their reporting obligations
- b) Ensure the timely considerations of State Party and Complementary reports
- c) Identify issues for the constructive dialogue, list of issues and concluding observations
- d) Ensure the development of list of issues and concluding observations including their timely submissions to the State Party concerned
- e) Undertake follow up missions on implementation of the recommendations and concluding observations of the Committee

2.1.2. **Lead on the Communication mechanism:** The Country Rapporteur assumes responsibilities in coordinating the considerations of communications in cases where complaints are submitted against the concerned State Party. This includes:

- a) Liaise with the Secretariat in consideration of admissibility of the Communication
- b) Identify issues and produce draft decisions for the Committee's consideration
- c) Undertake country visits if the Committee decides for further investigation is needed to rule on the matter at hand,
- d) Draft the final decision of the Committee and ensure its timely submission to the parties in the matter,
- e) Undertake country visits to follow up on the implementation of the Committee's Decision

- 2.1.3. Undertake country visits including promotional, investigation and advocacy missions as decided by the Committee.
- 2.1.4. Issue statements and urgent appeals, in cases where massive violation of children's rights is recorded in the concerned State party as decided by the Committee or the Chairperson.

**Section III: Roles and responsibilities of Thematic Rapporteurs:** Within the scope of the identified thematic area, the Thematic Rapporteur assumes the following roles and responsibilities:

- ✓ Seek, receive, examine and act upon information,
- ✓ Cooperate and engage in dialogue with Member States, National human Rights Institutions, relevant intergovernmental organisations, international and regional mechanisms, UN Agencies and CSOs,
- ✓ Set standards and develop strategies to better promote and protect children's rights,
- ✓ Conduct activities which could raise awareness on the subject matter,
- ✓ Where appropriate and if decided by the Committee issues statements,
- ✓ Lead on developments of the Committee's documents including General Comments,
- ✓ Cooperate with Country Rapporteurs during country visits, state party reporting processes and consideration of communications,
- ✓ Serve as a focal point on the thematic area,
- ✓ Submit reports at every ordinary session of the Committee.

#### **Section IV: Establishment of additional Thematic Rapporteurs**

- 4.1. In accordance with its Revised Rules of Procedures, the Committee may create special mechanisms, outside the membership of the Committee, with mandates that are linked to the fulfillment of its functions of promotion and protection of children's rights and in accordance with the thematic areas deemed of special interest for achieving this purpose.

#### **Section V: Resolutions creating special mechanisms**

- 5.1. The decisions for the establishment of a Thematic Rapporteur and grounds for the decision will be expressed in a resolution adopted by the Committee in which the following will be recorded:
  - a) The definition of the conferred mandate, including its functions and scope; and;

- b) The description of the activities to be carried out and the methods of planned financing to defray them.

## **Section VI: Procedure of selecting Thematic Rapporteurs**

- 6.1. In selecting an individual for a special mechanism, the Committee shall ensure that there is:
  - a) a public competition to fill the vacancy, which publicizes the criteria to be employed in the selection of candidates, the appropriate background for the position, and the applicable resolution by the Committee establishing the procedures for the selection;
  - b) affirmative vote of an absolute majority of members of the Committee and an announcement publicizing the grounds of the decision.

## **Section 7: Term of office of the Rapporteurs**

- 7.1. Both Country and Thematic Rapporteurs shall serve for a period of two years, renewable once, unless the mandate of the special mechanism terminates earlier.
- 7.2. The mandates of both Country and Thematic Rapporteurs will be evaluated periodically and will also be subject to review, renewal, or termination; The Committee may, before the expiry of the term, decide to replace a member of a special mechanism for reasonable cause.

## **Section 8: Conflict of interest**

- 8.1. Prior to the appointment process, and during the exercise of their functions, a member of must disclose to the Committee any interest which may be considered to be in conflict with his/her mandate as a Rapporteur.