



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comit  Africano dos Direitos e Bem-Estar da Crian as
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



ACERWC
African Committee of Experts on
the Rights & Welfare of the Child

**TERMS OF REFERENCE FOR THE FOLLOW-UP MISSION ON THE
IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS AND
RECOMMENDATIONS OF THE AFRICAN COMMITTEE OF EXPERTS ON THE
RIGHTS AND WELFARE OF THE CHILD ON THE INITIAL REPORT OF REPUBLIC
OF ZAMBIA**

2023

Background

The African Charter on the Rights and Welfare of the Child requires State Parties to submit reports on the measures undertaken to realize the rights contained therein. Article 43 of the Charter stipulates that State Parties are supposed to submit their initial report two years after ratification and their periodic reports every three years thereafter. In line with this obligation, the Republic of Zambia submitted its initial report on the implementation of the African Children's Charter in 2018. Following the submission of the report, the African Committee of Experts on the Rights and Welfare of the Child considered the State Party Report during its 32nd Ordinary Session, which was held from 12 to 20 November 2018. The Committee held a constructive dialogue with the Delegation of the Government of Zambia and identified achievements recorded and challenges faced in the implementation of the Charter. Afterwards, the Committee issued its concluding observations and recommendations, which include its suggestions on the measures that may be undertaken by the Government of Zambia to improve the protection and promotion of children's rights in the State Party. The Concluding Observations and Recommendations were sent to the State Party in May 2019.

Rule 74 of the Rules of Procedures of the Committee states that the Committee should undertake follow-up on the implementation of its concluding observations and recommendations. More specifically, Section VIII (b) of the Procedure for the Consideration of State Party Reports stipulates that the Committee undertakes field visit to follow-up on its recommendations on State Party reports. Undertaking a mission to monitor the implementation of its recommendations is also in line with article 45(1) of the Charter, which gives the Committee the mandate to undertake investigative missions on matters and issues falling within the scope of the Charter. In accordance with these rules and its mandate, the Committee intends to undertake a follow-up mission in the Republic of Zambia to assess the implementation of its recommendations provided for the Government of Zambia on its initial State Party report.

Rationale

The main rationale behind the whole process of the State Party reporting mechanism is giving States an opportunity to evaluate their laws, policies and actions, and to determine if their laws are in line with the Charter and receiving guidelines and recommendations from the Committee on the kinds of measures the State ought to take to reinforce their efforts in implementing the African Children's Charter. By the same token, the follow-up mission on the implementation of the recommendations of the Charter assists the State Parties to assess their efforts in realizing the recommendations of the Committee issued following the consideration of the State Party report. The Government was able to assess its implementation of the provisions of the African Children's Charter when it submitted its report in 2018. The Committee has then sent its

concluding observations and recommendations to the Government of Zambia in 2019 with the view to provide guidance to the State Party on measures that should be undertaken to improve the situation of children as well as the realization of rights contained in the Charter. The Committee believes undertaking the intended follow-up mission assists the Government of Zambia to assess its actions and measures that it has undertaken to implement the recommendations of the Committee as well as to promote and protect children's rights. The mission not only assists to assess the actions undertaken but also to examine their impact on the rights and welfare of children. Therefore, the mission helps to understand the progress made, the challenges faced and the opportunities that exist in the implementation of the concluding observations and recommendations of the Committee.

Moreover, the discussion during the follow-up mission informs the contents of the upcoming periodic report of the Government of Zambia. Hence, it serves as a reminder that the periodic report is due and that the periodic report should include information about the implementation of the previous recommendations of the Committee.

The mission will also create an opportunity to increase the visibility of the Committee among government organs and CSOs in Zambia and also to popularize the State Party reporting mechanism including the Committee's concluding observations and recommendations among various actors. Such awareness further enables CSOs and other stakeholders to follow-up on the implementation of the recommendations of the Committee in the future.

Most importantly, such kind of follow-up visit ensures that the State Party reporting mechanism is not a onetime incident; rather that it is a continuous process in which the implementation of the provisions of the Charter is thoroughly assessed without creating a vacuum where issues of children are forgotten. The follow-up asserts to the Republic of Zambia that its report is not taken for granted thereby encouraging the State Party to regularly report to the Committee.

Objectives of the mission

The mission has the following key objectives:

- To identify achievements in the implementation of the recommendations of the Committee which can be shared as best practices with other State Parties and stakeholders through various activities of the Committee;
- To identify challenges that the Government is facing in the implementation of the recommendations in order to suggest mechanisms to address the challenges as well as solicit assistance from other stakeholders;

- To inform the Committee about the kinds of interventions it may undertake to assist the State Party in the implementation of its recommendations as well as the Charter;
- To create an opportunity of stronger partnership with CSOs and stakeholders working with and for children;
- To inform potential partners and stakeholders about the gaps that exist in the implementation of the Charter;
- To look for opportunities of resource mobilization for the protection and promotion of children's rights in Zambia; and,
- To suggest actions that may be taken by the Government of Zambia to implement the recommendations of the Committee and the provisions of the Charter.

Methodology

The Committee intends to achieve the abovementioned objectives through two main activities:

1. **Undertake constructive dialogue with government organs and other stakeholders-** The Committee intends to hold multilateral conversations with various Ministries of the Government of Zambia to hold discussions about the measures undertaken to implement the recommendations of the Committee and challenges faced. Such dialogue enables the Committee to assess specific issues of child rights and get detailed information on the matter. The Committee intends to undertake constructive dialogue with the Ministries in charge of children's rights and Ministries and other government organs, which have works and activities in relation to children's rights. The Committee will also have discussions with UN Agencies such as UNICEF, UNHCR and CSOs including Save the Children, Plan International, and other local and international Organisations working on children's rights and welfare.
2. **Organize a workshop-** As part of its follow-up mission, the Committee also intends to organize a one day workshop to bring together various Ministries, government agencies, CSOs, UN agencies and other stakeholders together to discuss about the progress and challenges in the implementation of the recommendations of the Charter.

Time frame

The ACERWC intends to undertake the Mission from 19-21 June 2023.

Funding

The ACERWC will cover the cost of the Mission.

Draft Program of Work

Date	Time	Activity	Presenter/Organizer
19 June	09:00-10:00	Courtesy visit to the Ministry of Foreign Affairs and International Cooperation	MCDSS
	10:30-12:30	Meeting with the Ministry of Community Development and Social Services (MCDSS)	MCDSS
	14:00-15:00	Meeting with UNICEF	ACERWC
	15:30-17:30	Meeting with the CSO Coalition and Joining Forces Alliance	Joining Forces Alliance
20 June	09:00-12:00	Meeting with the various Ministries with relevant mandate on children's rights (such as the Ministry of Education, Ministry of Health, Ministry of Finance and National Planning, Ministry of Home Affairs and Internal Security, Ministry of Justice, Ministry of Labour and Social Security, and National Services, and Ministry/organ dealing with correctional services and the police, among others).	MCDSS
	14:00-15:00	Meeting with the National Human Rights Commission of Zambia	MCDSS
	16:00-17:30	Meeting with the Children's Parliament	MCDSS
21 June	Workshop on the status of the implementation of the concluding observations and recommendations of the ACERWC and preparation of the first periodic report		
	09:00-09:30	Registration	ACERWC
	09:30-10:00	Opening <ul style="list-style-type: none"> - Remarks by Children's Representative - Remarks by the Country Representative -UNICEF - Remarks by the Republic of Zambia Representative 	ACERWC

		- Remarks by the Head of Delegation of the ACERWC	
	10:00-10:45	Presentation and discussion about the Charter and the Committee	ACERWC
	10:45-11:00	Tea Break	
	11:00-12:00	Presentation and Discussion on the Contents of the concluding observations and Recommendations	ACERWC
	12:00-13:00	Presentation and discussion about the status of implementation of the concluding observations	MCDSS
	13:00-14:00	Lunch	
	14:00-15:00	Presentation and discussion by CSOs on the status of implementation of the concluding observations	ACERWC and Joining Forces Alliance
	15:00-15:15	Concluding Remarks by the ACERWC and Representatives of MCDSS	ACERWC and MCDSS