



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comité Africano de Peritos os Direitos e Bem-Estar da Criança
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



ACERWC
African Committee of Experts on
the Rights and 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 THE
KINGDOM OF ESWATINI**

18-21 JULY, 2023

Background

1. 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, in 2018 the Kingdom of Eswatini submitted its initial report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter). The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) considered the Kingdom of eSwatini's initial report during its 33 Ordinary Session, which was held from 18 to 28 March 2019, in Addis Ababa, Ethiopia.
2. 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 visits 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 Kingdom of Eswatini to assess the status of implementation of the concluding observations and recommendations.

Rationale

3. The main rationale behind the whole process of the State Party reporting mechanism is to give States an opportunity to evaluate their laws, policies and actions, and to determine if their laws are in line with the Charter. Furthermore, the State is accorded the opportunity to receive guidelines and recommendations from the Committee on the kinds of measures it ought to take to reinforce its efforts in implementing the African Children's Charter. The follow-up missions assist the State Parties to assess their efforts in realizing the recommendations of the Committee issued following the consideration of the State Party report. Furthermore, the mission helps the Committee to understand the progress made, the challenges faced and the opportunities that exist in the implementation of the concluding observations and recommendations.

4. Moreover, the discussion during the follow-up mission will inform the contents of the upcoming periodic report of the Kingdom of Eswatini. Hence, it serves as a reminder that the periodic report is due and that it should include information about the implementation of the previous recommendations of the Committee.
5. The mission will also create an opportunity to increase the visibility of the Committee among government organs and civil society organisations (CSOs) in Eswatini 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.
6. Most importantly, the follow-up visit ensures that the State Party reporting mechanism is not a one-time 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.

Objectives of the mission

7. 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 for stronger partnerships 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 Eswatini; and,
 - To suggest actions that may be taken by the Government 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 the Kingdom of Eswatini to hold discussions about the measures undertaken to implement the recommendations of the Committee and the 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 concerning children's rights. The Committee will also have discussions with UN Agencies such as UNICEF, children's representatives, 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, Children, CSOs, UN agencies and other stakeholders together to discuss the progress and challenges in the implementation of the recommendations of the Charter.

Time frame

The ACERWC intends to undertake the Mission from 18-21 July 2023.

Funding

The ACERWC will cover the cost of the Mission.