

RESOLUTION ON THE APPOINTMENT OF A SPECIAL RAPPORTEUR ON CHILDREN WITHOUT PARENTAL CARE

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), meeting at its 40th Ordinary Session, held from 23 November to 1 December 2022, in Maseru, the Kingdom of Lesotho:

Considering its mandate on the promotion of the rights and welfare of the child in Africa pursuant to the African Charter on the Rights and Welfare of the Child;

Recalling Article 38(1) of the African Children's Charter that authorises the ACERWC to establish its own Rules of Procedures, which the ACERWC developed and revised in 2013 and 2015 respectively;

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

Mindful of the fact that the preamble of the Revised Rules of Procedure provides that "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;

Considering the ACERWC's decision on the establishment of country and thematic based rapporteurs, adopted at its 28th ordinary Session, held on 21 October – 1 November 2016 in Banjul, The Gambia;

Noting with concern that children without parental care in Africa face multiple challenges and continue to face a higher risk of discrimination, abuse, exploitation, limited access to basic services, living in an environment unsuitable for their emotional and physical well-being, and inadequate care and increased neglect as their well-being may not be properly monitored;

Underscoring the need to provide special protection and assistance to children without parental care, including by establishing the necessary legislative, administrative, and institutional frameworks, as well as appropriate alternative care;

Decides to amend the mandate of the Special Rapporteur on Parental Responsibilities and Child Responsibilities, and to appoint Hon. Anne Musiwa as the

Special Rapporteur on Children without parental care from 1 December 2022. The mandate calls on the Special Rapporteur to:

- i. Examine the underlying factors that contribute to loss of parental care, deprivation of family environment, as well as over-reliance on institutional care as means of caring for such children;
- ii. Seek, receive, examine, and take action on information about the situation of children without parental care, including those in institutional and residential care settings;
- iii. Encourage political support and action to address challenges faced by children without parental care in Africa, including children in institutional and residential care settings;
- iv. Encourage the development and provision of family-based alternative care for children who are temporarily or permanently deprived of their family environment and promote deinstitutionalisation of children through raising awareness about the negative effects of institutionalisation on children's development and well-being;
- v. Cooperate and engage in dialogue with Member States, National human Rights Institutions, relevant intergovernmental organizations, international and regional mechanisms, UN Agencies and CSOs to ensure the rights of children without parental care, including children in institutional and residential care are protected;
- vi. Set standards and develop strategies to promote the protection of the rights of children without parental care and the provision of appropriate alternative care;
- vii. Undertake measures to raise awareness on the conditions of children without parental care, including those in institutional and residential care settings;
- viii. Issue statements on children without parental care, including children in institutions and residential care settings, when appropriate and if the Committee so decides;
- ix. Take the lead in developing Committee documents, such as General Comments and resolutions, that pertain to children without parental care;
- x. Serve as a focal point on area of children without parental care and;
- xi. Report to the African Committee of Experts on the Rights and Welfare of the Child annually on the activities undertaken under the mandate.

Done in Maseru, Kingdom of Lesotho, 1 December 2022.