



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



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

TERMS OF REFERENCE

AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

APPOINTMENT OF EXTERNAL EXPERTS FOR WORKING GROUP ON CHILDREN'S RIGHTS AND BUSINESS

Appointment Period November 2023- November 2025

External Experts (4)
Key Task: Serving in the working group of the ACERWC on Children’s Rights and Business, in the fulfillment of the mandates of the group.
Duty station: Home based with travels to attend meetings of Working Groups, on-site activities of the Working Group and Ordinary Sessions of the Committee.
Contract type and duration: Part-time external experts (4), 2 years
Date of appointment: November 2023

I. Background

As trade, manufacturing and investment continue to grow in Africa, business has become one of the evolving thematic areas with significant implications on the rights and welfare of children on the Continent. Children are key members of the communities and environments in which business operates, and key stakeholders of business as consumers, family members of employees, and young workers. Whether small or large, formal or informal, business interacts with and has an effect on the rights and welfare of children both directly and indirectly.

There are various aspects of business that present negative implications on children’s rights and welfare. These include, the lack of employment conditions within business enterprises which assist working parents and caregivers in fulfilling their responsibilities to children in their care; the challenges of economic exploitation and hazardous work conditions for children; lack of functioning labour inspection and enforcement systems in most African States; limited measures taken by States to promote the physical and psychological recovery and social reintegration of children who have experienced various forms of violence, neglect, exploitation, or abuse including economic exploitation; lack of strict process of due diligence and an effective monitoring system; and the difficulties in obtaining remedy for abuses that occur in the context of transnational business operations.

To guarantee the protection of the rights of children in the realm of business, it is important to ensure that States have adequate legal and institutional frameworks to respect, protect and fulfil children’s rights and to provide remedies in case of violations in the context of business activities and operations. Moreover, all businesses have responsibilities to respect and support children’s rights, putting in

place appropriate policy commitment and due diligence processes to address potential and actual impacts on children's rights and welfare.

The rights outlined by the African Children's Charter and other international instruments, such as the Convention on the Rights of the Child and the International Labour Organization's Convention No. 138 on Minimum Age, and Convention No. 182 on Worst Forms of Child Labour should guide the responsibility of States and Business Actors.

Cognizant of the above-mentioned issues and the need for a child rights-based response to the challenges in business practices, the African Committee of Experts on the Rights and Welfare of the Child decided to establish a Working Group on Children's Rights and Business during its 35th Ordinary Session, held virtually from 31 August to 08 September 2020.

The establishment of the working group was in accordance with Article 38(1) of the African Children's Charter, which authorizes the ACERWC to establish its own Rules of Procedures, which the ACERWC developed and revised in 2013 and 2015, respectively. Rule 58 of the Revised Rules of Procedure, which allows the ACERWC to establish special mechanisms, which include working groups, 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.

The aim of the Working Group is to promote the integration of a child rights-based approach to business practices with a view to addressing business-related child rights challenges in Africa. The Group will be composed of four Members of the ACERWC and four external experts who will be recruited in accordance with this TOR.

The Working Group will undertake its activities guided primarily by the African Children's Charter, the Resolution establishing the Working Group and the Standard of Operating Procedures for the establishment of Working Groups as Special Mechanisms within the ACERWC.

II. Main duties and responsibilities

The external experts, together with the other Members of the Working Group, will be tasked with discharging the mandates of the

working group as contained in the Resolution for the establishment of the Working Group and reiterated as follows;

- i. Provide support for the activities of the Working Group on children's rights and business;
- ii. Assist the Working Group in disseminating the findings and recommendations of the findings and recommendations of the report on Children's Rights and Business in Africa;
- iii. Assist in setting standards and develop effective strategies to combat and reverse the impact of business on the rights and welfare of the child;
- iv. Assist the Working Group in providing guidance for the establishment and strengthening of regulatory agencies responsible for the oversight of standards relevant to children's rights in business practices, which include health and safety, consumer rights, education, environment, labour, advertising and marketing sectors;
- v. Assist the Working Group in undertaking various activities aimed at raising awareness and galvanizing action on the issue of business and children's rights among States, Regional Economic Communities, National Human Rights Institutions, Civil Society Organizations, child and youth-led organizations, business enterprises, and other relevant stakeholders;
- vi. Contribute to the development of the ACERWC's documents concerning children's rights and business;
- vii. Report to the African Committee of Experts on the Rights and Welfare of the Child on the activities undertaken under the mandate.

III. Qualifications

- i. Advanced university degree in law, human rights, children's rights/welfare, or other related disciplines;
- ii. A minimum of 10 years of working experience in the area of children's rights and business or in general human rights and business, in the African context;
- iii. Demonstrated knowledge of the African Charter on the Rights and Welfare of the Child and the work of the African Committee of Experts on the Rights and Welfare of the Child;
- iv. Demonstrated knowledge of trends in business practices affecting children's rights and welfare;
- v. First-hand knowledge and experience of the cultural, social, economic and political context of Africa;

- vi. Fluency in English or French is required; knowledge of additional African union working languages is desirable;
- vii. Work experience in the AU, UN, and other international organizations, especially in treaty body mechanisms, is desirable;
- viii. Excellent analytical skills using both qualitative and quantitative methods.

IV. Reporting lines

The external experts will work under the direct supervision and guidance of the ACERWC and the Chair of the Working Group on Children's Rights and Business.

V. Duration and Attendance

The appointment of successful candidates will commence in November 2023 and end in November 2025. The external experts will be required to attend all the meetings of the Working Group and selected activities of the Working Group; s/he will also be required to attend relevant Ordinary Session of the Committee upon request of the Chairperson of the Working Group.

VI. Location

The appointment will be home based with the above-mentioned travels to attend meetings as well as travels to various African countries to undertake on-site activities of the Working Group, whenever necessary.

VII. Reimbursement

The external experts shall not be considered employees; as such, they are not entitled to any form of remuneration. However, the full travel costs of the external experts will be covered, and a daily subsistence allowance will be given for the duration of travels based on African Union rules and regulations.

VIII. Application

The application document should consist of the following:

- i. A cover letter summarizing the background of the applicant and why the applicant is interested in the position;
- ii. A Customized Curriculum Vitae not exceeding 3 pages;
- iii. Evidence of educational background and professional experience;

- iv. Samples of publications, professional undertakings or related activities which demonstrate the applicants' expertise on the areas of children's rights/human rights and business; and
- v. Names and contacts of three references.

XV. Application deadline

Application should be submitted to the Secretariat of the ACERWC no later than 30 September 2023. Applications should be sent to acerwc-secretariat@africa-union.org copying SenaitY@africa-union.org .