

TERMS OF REFERENCE

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

APPOINTMENT OF EXTERNAL EXPERTS FOR THE WORKING GROUP ON CHILDREN WITH DISABILITIES IN AFRICA

Appointment Period November 2023 – November 2025

External Experts (4)
Key Task: Serving in the ACERWC's Working Group (WG) on Children with Disabilities in Africa in the fulfillment of the mandate of the WG.
Duty station: Home-based with travels to attend meetings of the Working Group, on-site activities of the Working Group and Ordinary Sessions of the Committee.
Contract type and duration: Part-time External Experts (4) for two (2) years
Date of appointment: November 2023

I. Background

Children with disabilities in most African countries are often excluded and marginalized. They persistently face barriers to the enjoyment of their basic human rights and inclusion in most spheres of life. The negative attitudes and stereotypes towards children with disabilities hinder their access to basic services such as education, health and justice, among others. They are easily overlooked and remain substantially unprotected and not catered for their needs and rights. Furthermore, the lack of sufficient legislative safeguards to ensure the protection and inclusion of children with disabilities make the situation even grave and limits the development of effective strategies that ensure the protection of their rights. This situation is exacerbated by the stigma

and discrimination posed by family members, the community, and personnel of service providers, among others. It has been observed that a lack of accessible disability-inclusive schooling; and discriminatory attitudes within families and communities lead to higher rates of social exclusion and poor mental health for children with disabilities compared to their peers without disabilities.

At the regional and international levels, there are instruments that protect and promote the rights of children with disabilities including the African Charter on the Rights and Welfare of the Child (ACRWC), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities as well as the General Comment No 9 of the UN Committee on the Rights of the Child on the rights of children with disabilities. It has been observed that following the ratification of the above-mentioned regional and international instruments, many African countries have taken some legislative and policy steps to advance the rights of children with disabilities by reforming legislation and policies to accommodate children with disabilities. In addition to this, some African countries have constitutional and legal frameworks within which the rights of children with disabilities are to be protected and promoted. Countries have made significant steps towards the recognition of the rights of children with disabilities and the realisation of those rights, especially in the socio-economic spheres. However, most African States have yet to effectively implement the relevant instruments they have ratified and enacted on the rights of persons with disabilities and the needs and rights of children with disabilities are not effectively being considered at the family, community and national levels.

In response to the promotion and protection of children with disabilities in Africa, and taking into account the situation of children with disabilities in Africa and the challenges they face in their daily lives, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) established the Working Group on Children with Disabilities in Africa during its 36th Ordinary Session, held virtually from 23 November to 04 December 2020. The Committee established this Working Group pursuant to Article 38(1) of the ACRWC and Rule 58 of its revised Rules of Procedure, which mandates the Committee to establish special mechanisms, including working groups, and assign specific tasks or mandates to either an individual member or group of members concerning the execution of special programs, studies, and projects.

Since its establishment, the Working Group on Children with Disabilities in Africa has undertaken several activities to promote and protect the rights and welfare of children with disabilities through, among others, the development of Resolution No 19/2022 on the Situation of Children with Albinism in Africa adopted by the ACERWC during its 39th Ordinary Session held virtually from

21 March to 01 April 2022; the Guidelines for Action on the Rights of Children with Disabilities in Africa adopted by the ACERWC during its 40th Ordinary Session held in Maseru, the Kingdom of Lesotho from 23 November-01 December 2022 and the Continental study on the status of children with disabilities in Africa adopted by the Committee during its 41st Ordinary Session held in Maseru, the Kingdom of Lesotho from 28 April to 06 May 2023. Moreover, the Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa was adopted by the ACERWC and further endorsed by the Fourth Session of the AU Conference of Ministers for Social Development (CAMSD4) held in Addis Ababa, Ethiopia, from 26 to 30 May 2014, the Working Group on children with disabilities in Africa decided to update the content of the above-mentioned Strategy during its second meeting held virtually in March 2022 to include in this significant document emerging children's rights issues that are negatively affecting children with disabilities in Africa. These instruments and soft laws provide and elaborate the obligations of States and highlight the role of various stakeholders in ensuring the protection and promotion of the rights and welfare of children with disabilities.

Despite the legislative framework at regional and international levels as well as the development of relevant documents that protect and promote the rights of children with disabilities, the Committee notes that there is a lack of implementation of these instruments and children with disabilities still face violence, abuse and neglect. Being mindful of the situation of children with disabilities in the continent and its mandate to promote and protect children's rights, the Committee decided to extend the mandate of the Working Group on Children with Disabilities for another two years during its 41st Ordinary Session held in Maseru, the Kingdom of Lesotho from 28 April to 06 May 2023.

The Working Group on children with disabilities was established, taking into account the challenges that children with disabilities are facing and the need to take a systematic approach by the Committee to address these challenges sustainably. The aim of the Working Group on children with disabilities is to promote the inclusion of children with disabilities in all spheres of life by using a child rights-based approach that ensures the protection of their rights and welfare as enshrined in the African Children's Charter and other regional and international Human Rights instruments. The Working Group is composed of four Members of the ACERWC and four External Experts who will be recruited in accordance with these Terms of Reference.

The Working Group will undertake its activities guided primarily by the African Children's Charter, the Resolution related to the extension of the mandate of the Working Group and the Standard of Operating Procedures for the establishment of the 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 mandate of the working group as contained in the Resolution related to the extension of the mandate of the Working Group and reiterated as follows:

- i. Provide support for the activities of the Working Group on Children with Disabilities;
- ii. Assist the Working Group in disseminating the findings and recommendations of the comprehensive report on the status of the rights and welfare of children with disabilities in Africa;
- iii. Assist the Working Group in undertaking activities to disseminate the Guidelines for action on the Rights of Children with Disabilities in Africa to ensure the inclusion of children with disabilities in various aspects as well as address the abuse and neglect faced by children with disabilities;
- iv. Assist the Working Group in disseminating the updated ACERWC's Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa;
- v. Assist the Working Group in engaging with Governments to establish laws, policies and strategies that protect the rights and welfare of children with disabilities and provide for their inclusion in education, health services, public engagement, play and other activities;
- vi. Support the Working Group in undertaking various activities aimed at sensitization of community leaders, civil society leaders, and other actors on the rights of children with disabilities with a view to avert the negative stigma that exists against children with disabilities;
- vii. Contribute to the development of the ACERWC's documents concerning the rights of children with disabilities; and,
- viii. Report to the ACERWC on the activities undertaken under the mandate of the Working Group on Children with Disabilities in Africa.

III. Qualifications

- i. Advanced university degree in law, human rights, children's rights/welfare, disability rights or other related disciplines;
- ii. A minimum of 10 years of working experience in the area of children's rights in general and the rights of children with disabilities in particular in the African context;
- iii. Demonstrated knowledge of the African Charter on the Rights and Welfare of the Child and the work of the Working Group on Children with

- Disabilities in Africa and the African Committee of Experts on the Rights and Welfare of the Child;
- iv. Demonstrated knowledge of trends in the situation and protection of children with disabilities;
 - v. First-hand knowledge and experience of the cultural, social, economic and political context of Africa and its relationship with the rights and welfare of children with disabilities;
 - 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 Chairperson of the Working Group on Children with Disabilities in Africa.

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 onsite activities of the Working Group; and, they will also be required to attend relevant Ordinary Sessions 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 as 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 the African Union rules and regulations.

VIII. Application

The application documents 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 in the areas of children's rights/Disability rights; and,
- v. Names and contacts of three references.

XV. Application deadline

The 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.