



## **TERMS OF REFERENCE**

**For**

# **A CONTINENTAL STUDY ON THE STATUS OF HARMONISATION OF LAWS ON CHILDREN IN AFRICA WITH INTERNATIONAL AND REGIONAL CHILD RIGHTS INSTRUMENTS**

**November 2018**

## **A. BACKGROUND**

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) is one of the African Human Rights organs of the African Union (AU) that was created with a view to promote and protect the rights and welfare of children in Africa. It draws its mandate from Articles 32-46 of the African Charter on the Rights and Welfare of the Child (ACRWC). The functions of the Committee include: Promoting and protecting the rights enshrined in the Charter; monitoring the implementation and ensuring protection of the rights enshrined in the Charter as well as interpreting the provisions of the Charter.

The African Child Policy Forum (ACPF) is an independent, Pan-African institution of policy research and dialogue on the African child. ACPF was established with the conviction that putting children on the public agenda is fundamental for the realisation of their rights and wellbeing and for bringing about lasting social and economic progress in Africa.

In 2012, ACPF commissioned research on the harmonisation of laws in four regions of the continent, Central, Eastern, West and Southern Africa. The research sought to audit and review the level of alignment of national laws with international and regional standards. One of the key findings of the research was that, in most African States, gaps still exist in how international and regional instruments ratified by African governments are domesticated into national legislation and practically implemented.

In 2015, the ACERWC adopted a Strategic Plan (2015 – 2019), which seeks to ensure that national laws and policies are harmonised with the standards set in the ACRWC and the CRC and that their implementation is effective, and underpinned by technically competent and resourced institutions (humanly, technologically & financially) in public and private sectors. Further to this, in 2018, at its 31st Ordinary Session, the Committee adopted a General Comment on General Measures of Implementation which seeks to elaborate how States can give effect to the provisions and principles under the ACRWC by adopting a wide range of measures.

## **B. RATIONALE**

As the main mandate of the ACERWC is to monitor the implementation of the provisions of the ACRWC, it is important for the ACERWC to identify the status of the harmonization of the ACRWC into domestic laws and policies. Evidence based information about the domestication and implementation of the ACRWC will advance the activities of the ACERWC by enabling it to make relevant recommendations and interventions, as well as evaluate the implementation of its recommendations to Member States. Hence, the ACERWC will have an informed basis on which to further engage with States Parties of the ACRWC including in State Party reporting mechanisms and country visits.

The partnership between the ACERWC and ACPF therefore seeks to ensure that States take the necessary legal and policy measures for the full realisation of all children's rights by commissioning a continental study on harmonisation of laws on children in Africa.

### **C. OBJECTIVES**

This study seeks to build upon the findings of previous ACPF studies and in particular to:

- Provide an up-to-date documentation of the status of harmonisation of laws on children in Africa;
- Expand on the knowledge base of the previous studies by including North Africa in the current assessment;
- Assess the status of ratification and domestication of child rights instruments in all African States;
- Build an evidence based foundation for engaging African countries on the domestication and implementation of the ACRWC;
- Evaluate the implementation of the recommendations of the ACERWC on law reform and harmonization of laws with the ACRWC;
- Inform the ACERWC on the most pressing issues which require its follow-up and intervention on issues of domestication and implementation of the ACRWC;
- Identify gaps and challenges in current legal and policy frameworks relating to children in Africa;
- Identify areas where progress has been made and the factors contributing to such progress;
- Assess the gender dimensions in the laws and policies on children in Africa; and
- Recommend ways in which States can more effectively work towards strengthening their legal and policy frameworks through harmonizing their laws with international and regional child rights instruments as well as ensuring the implementation of existing legislation and policies.

### **D. SCOPE AND METHODOLOGY**

The study will provide an analysis covering all five regions of the African continent. The consultancy will be done mainly as a desk based research complemented by information collected from relevant and key national and regional stakeholders conversant with children's rights and child law reform in their respective areas. The assessment will consider international and regional human rights instruments, especially the CRC and the ACRWC. In addition to the textual analysis, the Consultant must also, where necessary, provide a visual synthesis of the report in terms of graphs, figures, etc.

### **E. DELIVERABLES**

The following deliverables are expected;

1. An inception report detailing the major issues to be included in the report
2. A continental report on harmonisation of laws on children in Africa, covering all the five regions

#### **F. LOCATION**

The consultancy is a home-based task, and the Consultant(s) will be reporting to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the African Child Policy Forum (ACPF) on an agreed time-frame.

#### **G. TIMELINES**

The Consultant/s shall submit the inception report within 10 days upon signing the contract. The full-fledged study must be finalized in 30 consulting days, spread over a period of 6 months following the signing of the contract. The Consultant will be expected to present the Draft Report at the 33rd Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child in April 2019.

#### **H. COMPENSATION**

The Consultant(s) shall be paid according to ACPF's policy for procurement and compensation for services.

#### **I. REQUIRED COMPETENCIES**

- An advanced university degree in Human Rights Law or International Law or other related fields;
- Solid experience on legal research for not less than 10 years;
- Fluency in spoken and written English. Knowledge of another AU language is an added value;
- Excellent knowledge of human rights and child rights issues;
- Experience on children's rights in Africa and multidisciplinary research;
- Excellent knowledge of the African Charter on the Rights and Welfare of the Child and the African Committee of Experts on the Rights and Welfare of the Child;
- Excellent analytical and writing skills; and
- Knowledge of the human rights context in the region for which the proposal is submitted.

#### **J. APPLICATION**

Qualified applicants should send their applications - comprising of a CV (no more than 3 pages), and a technical and financial proposal to Dr Violet Odala at [odala@africanchildforum.org](mailto:odala@africanchildforum.org) and copy Mr. Ayalew Getachew at [Ayalewg@africa-union.org](mailto:Ayalewg@africa-union.org) by **10 December 2018**.