

AFRICAN UNION

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



UNION AFRICAINE

Comité Africain d'Experts sur les Droits et le  
Bien-être de l'Enfant (CAEDBE)

الاتحاد الأفريقي

"An Africa Fit for Children"

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## RESOLUTION ON THE ESTABLISHMENT OF A WORKING GROUP ON CHILDREN'S RIGHTS AND BUSINESS

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), meeting at its 35<sup>th</sup> Ordinary Session, held virtually from 31 August to 08 September 2020,

**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;

**Cognizant** of the fact that 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;

**Recognising** that 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;

**Concerned** that business, whether small or large, formal or informal, interacts with and have an effect on the rights and welfare of children both directly and indirectly.

**Deeply Concerned** by 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;

**Recognising** the obligations of states in protecting children from the impact of business activities and operations, including from abuses committed by third parties through appropriate policies, regulation, and adjudication;

**Noting** the need for States to 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,

**Further recognising** the responsibilities of all business activities and relationships in respecting and supporting children's rights, put in place appropriate policy commitment and due diligence process to address potential and actual impacts on children's rights and welfare; and **Acknowledging** the role of voluntary actions of corporate responsibility by business enterprises such as social investments, advocacy and public policy engagement, voluntary codes of conduct, and other collective action in advancing children's rights;

**Recognising** 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;

**Guided** by the principles of the African Children's Charter on the best interests of the child, the right to non-discrimination, the right of the child to be heard, and the right to life, survival and development;

**Mindful** of the relevance of the Children's Rights and Business Principles developed by Save the Children, the United Nations Global Compact and UNICEF; the General Comment No. 16 developed by the UN Committee on the Rights of the Child on State Obligation regarding the impact of business on children's rights; as well as the United Nations Guiding Principles on Business and Human Rights;

**Determined** to promote the integration of child rights-based approach to business practices with a view to addressing business-related child rights challenges in Africa;

**In line with** the Standard of Operating Procedures for the establishment of Working Groups as Special Mechanisms within the ACERWC, adopted by the Committee during its 35th Ordinary Session on 8 September 2020;

**Decides** to establish a working group on children's rights and business in Africa.

## **Section I- Definition**

For the purpose of this Working Group, the term 'Business' applies to all activities and operations of enterprises or companies, both national and transnational, whether formal or informal, regardless of size, sector, location, ownership and structure.

## **Section II- Roles and responsibilities**

The Working Group shall have the following roles and responsibilities:

- i. Examine the impact of business on the rights and welfare of the child in Africa;
- ii. Set standards and develop effective strategies to combat and reverse the impact of business on the rights and welfare of the child;
- iii. Undertake a continental study on business and children's rights in Africa;
- iv. Provide guidance for establishment and strengthening of regulatory agencies responsible for the oversight of standards relevant to children's rights in business practices, such as on health and safety, consumer rights, education, environment, labour, advertising and marketing sectors;
- v. Undertake 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. Develop guidelines on process of due diligence, monitoring system, and continuous child rights impact assessments (including on categories of children in particularly vulnerable situation);
- vii. Seek, receive, examine and act upon information on business and children's rights from Member States, National human Rights Institutions, relevant intergovernmental organisations, business enterprises, international and regional mechanisms, United Nations Agencies, civil society organisations, children and other stakeholders;
- viii. Take the lead in the development of the ACERWC's documents concerning children's rights and business;
- ix. Report to the African Committee of Experts on the Rights and Welfare of the Child on the activities undertaken under the mandate.

## **Section III- Composition**

The working groups shall be composed of the following Members of the Committee and additional four external experts.

- Hon Hermine Kembo Takam Gatsing (Chairperson)
- Hon Theophane Nikyema
- Hon Moushira Khattab
- Hon. Karoonawtee Chooramun
- Yvonne Tagwireyi
- Dr. Roopanand MAHADEW
- Anthony Kapeta
- Dr Violet Odala

## **Section IV- Term of office**

The term of office of the above-mentioned Members shall run for two years, which shall start counting from the date that the Committee finalises and adopts the selection of External Experts forming the Working Group.

**Done on 8 September 2020, during the 35th Ordinary Session of the ACERWC  
held from 31 August-08 September 2020**