

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 IMPLEMENTATION OF DECISIONS AND RECOMMENDATIONS

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), meeting at its 35th 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;

Considering the various decisions, recommendations, and resolutions that the Committee issues in line with its mandate to receive and consider State Party Reports, receive and consider communications/complaints on violations of children's rights, undertake fact finding and follow up missions, and issue letters of urgent appeals;

Noting its existing mechanisms established to ensure implementation of its decisions and recommendations, such as the follow up procedures on the concluding observation and recommendations, follow up on implementation of decisions on communications, and the Periodic Reporting procedure;

Concerned by the lack of compliance and the existing trend of non-implementation of States with the decisions and recommendations of the Committee;

Further deeply concerned by the lack of national legislative and institutional frameworks; lack of political will from some States; and lack of budgetary allocation to facilitate and ensure implementation of the decisions and recommendations of Committee;

Noting the perceived lack of finality in the decisions and recommendations of the ACERWC as States do not consider them as being legally binding despite the obligations of Member States articulated in Article 1 of the Children's Charter;

Recognising the gaps in States to provide information regarding the measures they have adopted to give effect to the decisions of the Committee, as well as the ACERWC to regularly assesses whether the actions taken by States constitute a satisfactory remedial response;

Cognizant of the fact that regular and continued monitoring of States' compliance with the decisions and recommendations of ACERWC is key to the full realization of children's rights;

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 Implementation of Decisions and Recommendations.

Section I- Roles and responsibilities

The Working Group shall have the following roles and responsibilities:

- i. Develop criteria/guidelines on States' compliance to the decisions and recommendations of the Committee;
- ii. Develop a victim focused compliance guide which will measure among other things whether adequate compensation had been provided to the victim, a suitable legislative review was undertaken and non-repetition of the violation had been guaranteed;
- iii. Submit an annual status report to the PRC Sub-Committee on Human Rights, Democracy and Governance on implementation of the Committee's decisions and recommendations;
- iv. Regularly collect information from Civil Society actors and NHRIs, on their assessment of the level of implementation of the Committee's Decisions and recommendations;
- v. Produce an annual report publication on level of implementation of the Committee's Decisions on selected themes/decisions/ countries;
- vi. In collaboration with relevant Country and Thematic Rapporteurs, participate in various follow up Missions and country visits; and
- vii. Report to the African Committee of Experts on the Rights and Welfare of the Child on the activities undertaken under the mandate

Section II- Composition

The working groups shall be composed of the following Members of the Committee

- i. Hon Aboubekrine El Jera;
- ii. Hon Joseph Ndayisenga;
- iii. Hon. Aver Gavar; and
- iv. Hon Sidikou Aissatou Allasane Moulaye.

Section III- Term of office

The term of office of the above-mentioned Members shall run for two years from the date of adoption of the resolution.

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

AMENDMENT

Considering Rule 81 (1) of the Committee's Revised Rules of Procedure and Section XXII of the Committee's Revised Guidelines for Consideration of Communications and Monitoring Implementation of Decisions, which allow the Committee to engage the African Union organs including the AU's decision-making organs.

Recognizing that the AU Organs including the policy organs and the peace and security council issue decisions on children's rights based on the report of the Committee or as per their initiatives in line with their mandates.

Underlining the importance of the AU policy organs' decisions in ensuring State Parties' compliance with the Decisions and Recommendations of the Committee through their regular and continued calls for action for measures to be undertaken by States Parties to give effect to the Committee's decisions and recommendations for the full realization of children's rights.

The ACERWC during its 40th Ordinary Session of the ACERWC held from 23 November-01 December 2022 decided to broaden the scope of its Working Group on the Implementation of Decisions' mandate to enable the Working Group to undertake follow up of the decisions of other organs of the African Union including the AU policy organs' decisions pertaining to children's rights.

As amended during the 40th Ordinary Session of the ACERWC held from 23 November-01 December 2022 in Maseru, Lesotho.

