

CALL FOR INDIVIDUAL CONSULTANCY

Terms of Reference for the Development of a General Comment on Article 13 of the African Charter on the Rights and Welfare of the Child on the Rights of Children with Disabilities

i. Background and justification

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional instrument that comprehensively addresses the specific rights and needs of children in Africa. Adopted in 1990, it reaffirms the commitment of African States to ensure the promotion and protection of children's rights to build an Africa fit for its children. Among its substantive provisions, Article 13 is dedicated explicitly to the rights of children with disabilities, recognizing their right to special measures of protection and conditions that promote dignity, self-reliance and facilitation of their active participation in the community. Article 13 obligates States Parties to ensure that children with disabilities have effective access to, training, preparation for employment and recreation opportunities.

Globally, the rights of persons with disabilities have been codified in the Convention on the Rights of Persons with Disabilities (CRPD), that has been ratified by a majority of African Union member states. The CRPD, along with its numerous General Comments provides a robust legislative framework for understanding state obligations towards children with disabilities. The UN Convention on the Rights of the Child also includes provisions on the protection of children with disabilities, and the UN Committee on the Rights of the Child further adopted General Comment No 9 on the Rights of Children with Disabilities. Furthermore, Sustainable Development Goal 4 of Agenda 2030 aims to ensure an inclusive and equitable quality education for all, including children with disabilities.

At regional level, the AU has adopted the Protocol on the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities (African Disability Protocol) which is a comprehensive and progressive instrument in the continent to ensure the rights of person with disabilities. Agenda 2063 of the African Union aspires for a prosperous Africa based on inclusive growth and sustainable development by building resilient and inclusive community for the inclusion of vulnerable groups including children with disabilities. Agenda 2040 also aspires towards an inclusive Africa that integrates and caters for its children with disabilities.

The African Committee of Experts on the Rights and Welfare of the Child has also developed various normative standards on the rights of children with disabilities through its Working Group on Children with Disabilities including resolutions, studies, and guidelines on specific thematic areas. However, despite these standards, there is lack of a comprehensive standard for children with disabilities in Africa that considers the specific vulnerabilities African Children with disabilities face. Article 13 of the Charter itself contains outdated terminologies such as 'handicap' and concepts that fully depend measures for children with disabilities on availability of resources which perpetuates the charity model than the human rights model.

Children with disabilities in Africa face various intersecting challenges. Children with disabilities are vulnerable to stigma and discrimination, poverty, violence, abuse, and exploitation which are often rooted in stereotypes cultural, traditional, and religious beliefs. Within the group of children with disabilities, there are many who face compounded challenges such as children with albinism and those with intellectual disabilities due to entrenched negative beliefs about their conditions. The discrimination and stigma children face at community and structural levels result in their exclusion in different aspects. Exclusion of children with disabilities is exacerbated by inaccessibility to services such as education, healthcare, and public infrastructure, consequently leading to limited participation in public activities. As a result of stigma and discrimination there is limited comprehensive data on children with disabilities in Africa. UNICEF's data show that there are around 29 million children with disabilities in eastern and southern African but that number is considered low given the that many children living with disabilities are often not known to the public as a result of stigma and discrimination at family and community levels. The foregoing challenges require strong and elaborate normative standards that guide States on the specific measures they should be undertaking to address the challenges.

While Article 13 of the ACRWC provides generic standards and measures, it would be appropriate to clarify and update the terminology used, in particular by replacing the terminology "children with disabilities" with "children living with disabilities.", to explain the content and elements of the provision, to define terms and concepts with clarity, and to expound the obligation of States in line with the contextual challenges in Africa. In light of that, during its 45th Ordinary Session, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) decided to develop a General Comment on Article 13 of the Charter on children with disabilities. General Comments of the ACERWC are authoritative interpretation of the provisions of the African Charter on the Rights and Welfare of the Child (Charter). The Committee is mandated pursuant to Article 42 of the Charter to interpret the Charter, and it does so by adopting General Comments. Accordingly, a General Comment on Article 13 will illuminate the elements of the rights of children with disabilities, and the nature of State Obligation towards children with disabilities. In this regard, the Committee would like to recruit a consultant with the required expertise to support the development of the General Comment.

ii. Objectives and outcome

The Objectives of developing the general comment are to:

- Explain the elements of Article 13 of the Charter and enhance the promotion and protection of children with disabilities in Africa
- Outline the nature and scope of the State Party Obligations therein in line with the challenges faced by children with disabilities in Africa
- Define who children with disabilities are and identify the specific measures required for each group in line with their peculiar vulnerabilities
- Harmonise terminologies and concepts in a progressive manner that aligns with international and regional instruments on disability rights
- Provide practical measures in the implementation of the provision including legislative, administrative, budgetary and judicial measures among others.
- Highlight the relationship of Article 13 with the general principles of the Charter and further identify principles of implementation for Article 13.
- Identify the relationship of the obligations under Article 13 with other provisions in the realization of the rights in the Charter for children with disabilities
- Explain the intersectional vulnerabilities children with disabilities face on various groups on top of disability and provide specific measures to address such intersectional vulnerabilities
- Draw inspiration from existing laws and standards on children with disabilities and amplify the added values of the Charter in terms of addressing issues not covered and addressing contextual and tailored measures relevant for children with disabilities in Africa
- Identify the role of stakeholders in the implementation of Article 13.

iii. The expected outcome of the development of the General Comment includes ensuring that :

- There is clear and harmonized implementation measures for the protection of children with disabilities are established
- There is progressive approach of interoperation of the provision is adopted to redress the outdated terminologies and concepts of the Charter in relation to children with disabilities
- Member States and other stakeholders have a better understanding of the rights of children with disabilities and their corresponding obligations in the implementation of Article 13
- Principles in the implementation of the rights of children with disabilities are set forth to assess if measures are in line with the Charter.

iv. Key deliverables

Activity	Anticipated Duration (Estimated # of days)	Deliverable/outcome
Prepare a draft outline of the General Comment and present it to the ACERWC	3 days	Draft outline prepared and submitted
Develop a first draft of the General Comment, based on the agreed outline; collect input and develop a second draft for presentation to ACERWC and its partners	12 days	First Draft of General Comment prepared and submitted
Participate in the ACERWC Sessions, coordination, planning, consultation, and validation meetings, as required	8 days	Participation in the ACERWC Sessions and validation workshop, drafting reports of such events attended
Develop the final draft of the General Comment based on inputs, and revise it based on inputs, for adoption by ACERWC	7 days	Final draft prepared and submitted

v. References and methodology

The development of the General Comment will be undertaken by adopting a mixed methodology. An extensive desktop review will be conducted to draw inspiration from relevant international and domestic instruments and jurisprudence, the *travaux préparatoires* of various instruments, and existing soft law instruments in relation to children with disabilities including other treaties, General Comments and Declarations of other regional and international treaty bodies. A review of relevant academic commentaries on the issue will also be carried out. In addition, State Party reports, the concluding observations and recommendations and decisions of the Committee on the right to education, as well as outcome documents of other human rights organs and their special mechanisms, are useful resources that will inform the development of the General Comment.

Moreover, various modalities for collecting inputs and gather information will be employed to enrich the General Comment and consider wide array of perspectives. Questionnaires, consultations, call for submissions, among others, will also be used to gather inputs and information. Key informants' discussions in the form of an Experts' Consultation will be organized to collect expert views. Consultation with children including children with disabilities will be carried out in partnership with stakeholders.

vi. Word count

The General Comment may not exceed 10,000 words excluding references.

vii. Educational Background and Experience

The Consultant should have the following qualifications and experiences:

- Advanced University Degree in International Law, Human Rights Law, Child Rights, or Disability Rights Law ;
- Minimum 10 years of demonstrated work experience in the right of persons or children with disabilities, disability inclusion, children's rights, or human rights ;
- Qualified disability expert with child rights experience and has extensive experience in developing disability and child rights related reports, tools and instruments ;
- Demonstrated experience of legal and policy drafting as well as conceptual and analytical skills
- Thorough knowledge and understanding of the African Human Rights System, specifically the African Charter on the Rights and Welfare of the Child and the other related treaties such as the African Disability Protocol ;
- Willingness to be guided by the ACERWC's mission, vision and values as well as to adhere to its child protection, inclusion, safeguarding and participation principles ;
- Good communications and facilitation skills; and
- Ability to work independently and achieve quality results with minimum supervision.

viii. Application

The ACERWC invites eligible Individual Consultants to indicate their interest in providing the consultancy services.

The application document should consist of the following:

- a. A cover letter summarizing the applicant's background and with names and contacts of three references.
- b. A Customized Curriculum Vitae not exceeding three pages.
- c. A Technical Proposal on:
 - Understanding and interpretation of the TOR;
 - Methodology to be used in undertaking the assignment; and
 - Time and activity schedule
- d. A Financial proposal inclusive of:
 - Consultant's daily rate in US\$;
 - Other costs, e.g. travel and Daily Subsistence Allowance, and Total cost

The Financial Proposal shall be sent separately in a PDF format, and it should be password protected. The Consultant will submit the password to the ACERWC only upon request and after concluding the technical evaluation.

Applicants should submit evidence of educational background and professional experience; and samples of publications, professional undertakings or related activities which demonstrate the applicants' expertise in the areas of children's rights/human rights, food security or any related field.

v. Evaluation criteria

For evaluation of the expressions of interest, the following criteria will be applied:

- General Education Qualification and Relevant Training (20 points);
- Experience Related to the Assignment (25 points);
- Technical approach and methodology (45 points)
- Work plan (10 points)
- The pass mark for technical proposals shall be 70%.
- The technical proposal accounts for 70%, and the financial proposal accounts for 30% of the total mark.

vi. Child safeguarding clause

The selected consultant(s) will receive the African Union (AU) Policy on Child Safeguarding and the ACERWC Code of Conduct upon engagement. The consultant(s) shall read, sign, and adhere to these instruments, which constitute binding standards applicable to all external experts engaged by the ACERWC.

Compliance with the AU Child Safeguarding Policy, the ACERWC Code of Conduct, and all related safeguarding standards shall be a mandatory condition of the contract and shall apply throughout the duration of the assignment and during any activity conducted under the auspices of the ACERWC. Failure to comply with these safeguarding obligations may result in termination of the contract and other appropriate measures.

vii. Duration

The estimated duration of the consultancy shall be 30 working days, which will be spread up to April 2027.

viii. Remuneration

The Consultant shall be paid an amount agreed upon with ACERWC as follows:

- 40% upon submission of the first draft;
- 60% upon submission of an acceptable final draft of the general comment.

ix. Expression of Interest

Qualified candidates should send their applications comprising an abridged resume (no more than three pages), a technical and financial proposal, and a writing sample or previously developed document or tool in children's rights, to Opportunities-acerwc@AfricanUnion.org with subject of 'Application for Development of General Comment on Article 13 on or before 1st March 2026.