

## **RESOLUTION ON THE ESTABLISHMENT OF A WORKING GROUP ON CHILDREN WITH DISABILITIES**

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), meeting at its 36<sup>th</sup> Ordinary Session, held virtually from 23 November to 04 December 2020,

**Considering** its mandate on the promotion and protection 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 authorizes the ACERWC to establish its own Rules of Procedures, which the ACERWC developed and revised in 2013, 2015, and 2020 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;

**Noting** the Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa adopted by the ACERWC, further endorsed by the Fourth Session of the AU Conference of Ministers for Social Development (CAMSD4) held in Addis Ababa, Ethiopia 26-30 May 2014;

**Recognising** that children with disabilities face numerous human rights violations in various aspects of their lives including access to basic services and violence;

**Concerned** that children with disabilities are segregated at many levels including in education, community, public sphere due to lack of inclusive policies and infrastructures;

**Deeply Concerned** by the cost of exclusion of children with disabilities that has an adverse effect on the physical, psychological, economic, and intellectual wellbeing of children with disabilities and that costs the continent as a whole from unleashing its potential to the fullest;

**Recognising** the obligations of states in protecting children with disabilities from any kind of abuse by taking various measures including setting up the necessary legal and institutional frameworks for the protection and promotion of the rights of children with disabilities; providing the necessary remedy for children with disabilities for violations; and sanctioning third parties that violate the rights of children with disabilities;

**Recognising** the rights spelled out by the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the

Rights of Persons with Disabilities and other international instruments including 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;

**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;

**Determined** to promote mainstreaming child rights-based approach on the measures undertaken to change the situation of children with disabilities;

**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 the rights of children with disabilities in Africa.

### **Roles and responsibilities**

The Working Group shall have the following roles and responsibilities:

- i. Examine and produce a comprehensive report on the status of the rights and welfare of children with disabilities in Africa;
- ii. Set standards and develop effective strategies to ensure the inclusion of children with disabilities in various aspects as well as address the abuse and neglect posed against children with disabilities;
- iii. Revise and operationalise the ACERWC's Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa;
- iv. Undertake activities to popularise the Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa;
- v. Engage with Governments with a view to establish laws, policies and strategies that protect the rights and welfare of children with disabilities to provide for their inclusion in education, health services, public engagement, play and other activities;
- vi. Undertake 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. Conduct fact finding and promotional missions in Members States of the African Union on matters of the rights and welfare of the children with disabilities;
- viii. Subject to approval by the ACERWC, issue statements, letters of urgent appeals, resolutions, reports, studies or any other communications on the situation of the rights of children with disabilities in the continent, or a specific country, region or any condition;

- ix. Seek, receive, examine and act upon information on children with disabilities from Member States, National human Rights Institutions, relevant intergovernmental organisations, international and regional mechanisms, United Nations Agencies, civil society organisations, children and other stakeholders;
- x. Take the lead in the development of the ACERWC's documents concerning the rights of children with disabilities;
- xi. 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.

- i. Hon. Aver Gavar (Chairperson)
- ii. Hon. Aboubekrine El Jera
- iii. Hon. Anne Musiwa
- iv. Hon. Wilson de Almeida Adão
- v. Position to be filled
- vi. Position to be filled
- vii. Position to be filled
- viii. Position to be filled

### **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 04 December 2020, during the 36th Ordinary Session of the ACERWC held from 23 November - 04 December 2020 and amended during the 37<sup>th</sup> Ordinary Session.**