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Standard of Operating Procedures for Working Groups as Special Mechanisms within the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

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Standard of Operating Procedures for Working Groups as Special Mechanisms within the African
Committee of Experts on the Rights and Welfare of the Child (ACERWC)

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African Union

Standard of Operating Procedures for Working Groups as Special Mechanisms within the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

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Introduction

- Drawing its mandate from Article 38 (1) of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter), which gives the ACERWC the mandate to establish its own Rules of Procedures, the Committee has developed its Rules of Procedures in 2013 and revised the same in 2015;
- According to Rule 58 of the Revised Rules of Procedure, the ACERWC may 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;
- As clearly enunciated in the preamble of the Revised Rules of Procedure such "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;
- Furthermore, in accordance with its Revised Rules of Procedures, the Committee may create Special Mechanisms, outside the membership of the Committee, with mandates that are linked to the fulfillment of its functions of promotion and protection of children's rights and in accordance with the thematic areas special interest for achieving this purpose;
- Accordingly, the following Terms of Reference is therefore stipulated to guide and define the mode of operations of the Working Groups that the Committee may decide to establish.

I. Establishment of Working Groups

- a. The ACERWC establishes Working Groups in accordance with Rule 58 of the Revised Rules of Procedure of the ACERWC.
- b. The Working Groups shall be established to undertake specific tasks, execution of special programs, studies or projects attributed to the mandate of the ACERWC.
- c. The ACERWC may establish Working Groups with a mandate to work on internal or administrative matters of the Committee, or to cover specific child right issues.
- d. The decision to establish a Working Group, the grounds for such decision and the mandate of the Mechanism shall be reflected in a resolution adopted by the ACERWC, in which the following shall be recorded:
 - i. The definition of the conferred mandate, including its functions and scope; and
 - ii. The description of the activities to be carried out and the membership of the Working Group.

II. Roles and responsibilities of the working groups

The general roles and responsibilities of the Working groups shall be the following:

- a. Seeking, receiving, examining and acting on information related to their mandate areas;

- b. Cooperating and actively working with State Parties, Regional Economic Communities (RECs), National Human Rights Institutions (NHRIs), inter-governmental organizations, civil society organizations (CSOs), child and youth led organizations, in matters related to their mandate;
- c. Setting standards and developing strategies to create awareness and ensure the promotion and protection of the rights and welfare of children within their respective mandate areas;
- d. Preparing thematic reports and studies on matters related to their respective mandate areas;
- e. Working jointly with other mandate holders (Special Rapporteurs), Working Groups may undertake country visits (advocacy, fact finding/investigation and follow-up missions), co-issue letters of urgent appeals with the Chairperson of the Committee, and table resolutions to be issued by the Committee in line with their respective mandates;
- f. Executing specific task, finalise targeted projects, as assigned by the ACERWC or the relevant AU Organs; and
- g. Setting annual work plans and periodically reporting to the ACERWC during Ordinary Sessions.

III. **Composition and structure of Working Groups**

- a. A Working Group shall be composed of a maximum of eight (8) members, out of which at least three (3) shall be Members of the ACERWC, and the remaining could be external experts.
- b. Each Working Group shall have a Bureau composed of a Chairperson and a Vice Chairperson.
- c. Only a Member of the ACERWC shall become chairperson of a Working Group.
- d. Gender, geographic representation and language shall be taken in to consideration in the Composition of working Groups.

IV. **Appointment of Members from the ACERWC**

- a. The ACERWC may appoint its Members to serve in or more Working Groups.
- b. Notwithstanding the requirement in rule III (d) above, appointing the Members, considerations shall be made to the expertise and areas of work of the individual Member.
- c. The detail criteria for membership within a Working Group shall be set through a resolution establishing the same.
- d. Any Member of the Committee, provided that he/she satisfies the requirement, may nominate herself/himself or another to be a Member of a Working Group.
- e. Decision on appointment of Members shall be made by consensus; failing which by an affirmative vote of absolute majority of the Members of the ACERWC.

V. **Selection of external experts as Members of Working Groups**

In selecting an individual for a Working Group, the Committee shall ensure that there is:

- a. A public competition to fill the vacancy, which publicizes the criteria to be employed in the selection of candidates, the appropriate background for the position, and the applicable resolution by the Committee establishing the procedures for the selection;
- b. Affirmative vote of an absolute majority of members of the Committee and an announcement publicizing the grounds of the decision.
- c. Only nationals of State Party to the African Charter on the Rights and welfare of the child can be appointed as external experts to Working Groups.

VI. **Proceedings of the Working Groups**

- a. Members of the Working Groups shall convene their meetings twice a year preceding the Ordinary Sessions of the ACERWC.

- b. Each meeting shall be held for not more than five days.
- c. Due consideration shall be given to ensure participation of children and children-led organisations in the proceedings of Working Groups.
- d. The Rules of Procedures of the ACERWC shall apply *mutatis mutandis* to the proceedings of Working Groups.

VII. Term of office the members of Working Groups

- a. Members of a Working Group shall serve for a period of two years, renewable once, unless the mandate of the Working Group special mechanism terminates earlier.
- b. The mandates of members will be evaluated periodically and will also be subject to review, renewal, or termination.
- c. The Committee may, before the expiry of the term, decide to replace a member of a Working Group for a reason it deems necessary.

VIII. Conflict of interest and code of conduct

- a. Prior to the appointment process, and during the exercise of their functions, a member of a Working Group shall disclose to the ACERWC any interest, which may be considered to be in conflict with his/her mandate as a member of the Working Group.
- b. Members of Working Groups shall Act in an independent capacity and not seek or accept instructions from any governmental or non-governmental entity or any individual in the execution of their mandate;
- c. They shall exercise their functions in accordance with their mandate and in compliance with the Rules of Procedures of the ACERWC and the present Standard of Operating Procedures;
- d. They shall uphold the highest standards of efficiency, competence, integrity, impartiality, equity, honesty and good faith; hence they shall not use their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any third party; and they shall not accept any honor, decoration, favour, gift or remuneration from any governmental or non-governmental source for activities carried out in pursuit of their mandate.

IX. The role of the Secretariat

- a. The Secretariat of the ACERWC shall provide support to the Working Groups.
- b. Working Groups may also elect their own officers.

Adopted on 8 September 2020 by the ACERWC during its 35th Ordinary Session, held virtually from 31 August to 08 September 2020.