

## **RESOLUTION NO. 20/2024 OF THE ACERWC WORKING GROUP ON CHILDREN'S RIGHTS AND BUSINESS ON THE INTEGRATION OF A CHILD RIGHTS-BASED APPROACH IN THE IMPLEMENTATION AND MONITORING OF THE AFRICAN CONTINENTAL FREE TRADE AREA AGREEMENT**

**The Working Group on Children's Rights and Business of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) during its sixth meeting held on 13 April 2024 in Maseru, Kingdom of Lesotho;**

**CONSIDERING** Articles 32 and 42 of the African Charter on the Rights and Welfare of the Child (ACRWC) establishing the Committee on the Rights and Welfare of the Child (ACERWC) and its mandate, which are *inter alia* to promote and protect the rights and welfare of the child, formulate, and lay down principles and rules aimed at protecting the rights and welfare of children in Africa, and where necessary give its views and make recommendations to Governments;

**RECALLING** Article 38(1) of the ACRWC that authorizes the ACERWC to establish its own Rules of Procedures, which the ACERWC developed and revised in 2013, 2015, and 2020, respectively;

**BEARING IN MIND** Rules 57 and 58 of the 2020 Revised Rules of Procedure, which allows the ACERWC to establish special mechanisms, which includes working groups, 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;

**RECALLING** the ACERWC Resolution on the establishment of a Working Group on Children's Rights and Business adopted during its 35th Ordinary Session held from 31 August to 8 September 2020;

**AFFIRMING** the importance of promoting and protecting the rights and welfare of children in all aspects of socio-economic development, including trade policies and practices in Africa;

**COGNIZANT** of the fact that as 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;

**ACKNOWLEDGING** the significance of the African Continental Free Trade Area (AfCFTA) as a mechanism for fostering integration and economic growth and development across the African continent;

**EMPHASIZING** the need for States Parties to the AfCFTA to integrate considerations of the best interest of the child into their monitoring and implementation processes to ensure that the trade agreement contributes to the well-being and development of all children across Africa;

**RECOGNIZING** the vulnerability of children to the impacts of trade policies, including but not limited to inequality and discrimination, child exploitation, child abuse and torture, child labour, child abduction and trafficking, harmful social and cultural practices, sexual exploitation, drug abuse, separation from parents, statelessness, access to education and healthcare, and environmental degradation;

**REAFFIRMING** the role of governments, public and private sector actors, business enterprises, civil society organizations, human rights defenders and other stakeholders in advancing child rights and ensuring their effective integration into trade-related initiatives in Africa;

**FURTHER RECOGNISING** the responsibilities of all business enterprises, whether small, medium or large, to respect and support children's rights, adopt appropriate policy commitments and due diligence processes to prevent and address potential and actual impacts on children's rights and welfare; and welcoming the voluntary commitments of business enterprises, trusts and family offices to respect human rights, including children's rights as well as acknowledging the role of voluntary codes of responsible business conduct and guidelines, and other collective action in advancing children's rights in the business context; and

**DETERMINED** to promote the integration of a child rights-based approach to the implementation and monitoring of trade policies adopted under the AfCFTA Agreement with a view to addressing business-related child rights challenges in Africa;

Hereby **AGREES** and **CALLS** upon Member States to:

- i. Integrate a child rights-based approach into the implementation and monitoring of the AfCFTA that recognizes and addresses the unique vulnerabilities and challenges that children face within the context of trade policies;
- ii. Ensure that the implementation of the AfCFTA and other trade agreements and associated policies consider the specific risks and impacts on children, with a focus on protecting the rights of vulnerable groups such as girls, indigenous children, children at risk of statelessness and children with disabilities from trafficking, gender-based violence and gender-based discrimination, and working in hazardous conditions, such as in agriculture, artisanal mining, domestic service, street begging and street vending;
- iii. Prioritize child rights within the framework of trade agreements in a manner that fosters sustainable development that benefits all children and promotes their well-being in the face of economic and environmental changes;
- iv. Adopt or revise appropriate legislation and appropriate policy, administrative and other measure for the promotion and protection of children's rights in the context of trade policies under the AfCFTA and other bilateral or multilateral trade agreements and investment treaties, and for remediating any adverse impacts that business enterprises registered on their territories cause or contribute to, regardless of where these impacts occur;
- v. Implement institutional and enforcement measures to prevent and address child labour, child abduction and trafficking (offline and online), online grooming, child

pornography and sexual exploitation, cyber bullying and harassment, child abuse and torture, harmful social and cultural practices, and other forms of exploitation exacerbated by trade activities, and ensure their protection from drug abuse, homelessness, separation from parents, and statelessness in accordance with the ACRWC, other regional and international human rights standards and national laws;

- vi. Incorporate child-rights impact assessments as an integral component of the monitoring and evaluation mechanisms for the implementation of the AfCFTA and other bilateral or multilateral trade policies, trade agreements and investment treaties, to identify potential risks and opportunities for children arising from trade policies and practices in Africa;
- vii. Require business enterprises operating under the AfCFTA and other relevant trade policies to exercise human right due diligence to identify, prevent, mitigate, and be accountable for their impacts on children and establish processes for remediating any adverse impacts they cause or contribute to, including requiring business enterprises to establish processes for remediating any adverse impacts they cause or contribute to, regardless of where these impacts occur;
- viii. Allocate resources and develop targeted programs aimed at enhancing access to education, healthcare, child-friendly justice, social welfare and social protection for children in communities affected by trade-related activities under the AfCFTA and other bilateral or multilateral trade agreements and investment treaties;
- ix. Strengthen collaboration and information-sharing mechanisms between relevant government agencies, public and private sector actors, including business enterprises, civil society organizations, and international partners to promote the integration of child rights into trade policies and programs;
- x. Facilitate regional cooperation and dialogue and exchange best practices, lessons learned, and challenges faced in integrating child rights into trade-related initiatives and addressing cross-border challenges;
- xi. Monitor and report on the impact of trade activities on children, in collaboration with relevant stakeholders and human rights mechanisms and promote awareness-raising campaigns and advocacy efforts to foster public understanding and support for the integration of child rights into trade policies and practices across Africa;
- xii. Fully integrate efforts made in integrating children's rights into the monitoring and implementation of the AfCFTA, including challenges encountered and good practices identified in their State Party reports and report on progress made to establish mechanisms to implement programs aimed at informal business sector.

**Done on 25 April 2024 during the 43<sup>rd</sup> Ordinary Session of the ACERWC held from 15 to 25 April 2024 in Maseru, Kingdom of Lesotho**