

**AFRICAN UNION**  
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**AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE  
OF THE CHILD**

**Terms of Reference to develop the theme for the Day of the African Child, 2014:  
'A Child Friendly and Compulsory Education for all Children in Africa**

## **Background:**

The right to education is one of the key rights in the African Charter on the Rights and Welfare of the Child (ACRWC). The Charter envisions that education should promote and develop the child's personality, talents, mental and physical abilities to their fullest potential as well as prepare the child to live responsibly in a free society.<sup>1</sup> To achieve this, the Charter places an obligation on State Parties to take all appropriate measures to fully realise the right to education, particularly ensuring that basic education is free and compulsory and among others, that special measures are put in place to provide access to education for female, gifted and disadvantaged children.<sup>2</sup> The right to education is therefore essential to empowering children to exercise other rights enshrined in the Charter and in other international and national legal instruments.

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has strived to emphasize the fulfilment of the right to education by AU Member States and considered it as one of the themes for commemorating the Day of the African Child. Competing with other pertinent issues affecting children, the Committee has maintained its focus on the right to education in other settings apart from the Day of the African Child. However, it has become necessary to highlight the right to education at this point in time in view of the fact that children in Africa have called for close attention to be paid by all relevant stakeholders to fulfilling the right to education. Consultations with children in three regions of the continent resulted in education being noted by the children as a priority.

A report on the recommendations of the MDG Steering Group for Africa notes that while several African countries are on track to achieve universal primary education (UPE) by 2015, there are other countries where progress towards UPE is slow.<sup>3</sup> Further, many children – especially girls – from poor and rural backgrounds are not able to access primary education because their countries cannot afford to provide no-cost education. These challenges therefore raise the fulfilment of the right to education to the fore and demands that countries on the continent work collectively to improve access and quality of education within the framework of the MDGs, ACRWC and other regional and international child rights standards.

### **The ACERWC and the Day of the African Child**

The ACERWC is mandated by article 42(a) of the ACRWC to promote and protect the rights enshrined in the Charter. In this regard, the ACERWC has taken the lead role in the celebration of the Day of the African Child, established by the then Organization of African Unity in commemoration of the uprising by school children in apartheid South Africa, resulting in the shooting of innocent children. The ACERWC sets a theme each year for the celebrations, focusing attention on an issue affecting children for which AU member states have committed themselves to address. The theme is elaborated in a Concept Note shared with all AU Member States, Civil Society Organisations and Child-focused Organisations to guide the celebrations for the Day and follow-on steps to

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<sup>1</sup> Article 11(2)(a) and (d) of the ACRWC.

<sup>2</sup> Article 11(3)(a) and (e) of the ACRWC.

<sup>3</sup> MDG Steering Group for Africa, *Achieving the Millennium Development Goals in Africa: Recommendations of the MDG Africa Steering Group* (2008) United Nations Department of Public Information: New York p 10.

ensure that the selected thematic focus is sustained future action. Inspired by the call made by the continent's children and the expedition of efforts towards achieving MDG 2, the ACERWC selected as the theme for the celebration of the 2014 Day of the African Child, '*A child friendly quality free and compulsory education for all children in Africa*'.

To enable the ACERWC fulfil its mandate effectively, the ACERWC, the Department of Social Affairs of the African Union Commission (DSA- AUC) and a consortium of five child-focused organisations commenced the African Children's Charter Project (ACCP) in 2010 to support the ACERWC in implementing its work plan. The Day of the African Child is one of the activities listed in the work plan. In this regard, the ACERWC with the support of the ACCP Project thereby through this Consultancy to produce a draft for adoption by the ACERWC and the lead partner will be the Community Law Centre of the University of Western Cape.

### **Objective of the Consultancy**

The primary objective of this consultancy is to draft the Concept Note for the celebration of the 2014 Day of the African Child on the theme, '*A child-friendly quality free and compulsory education for all children in Africa*'.

### **Specific Objectives**

The draft Concept Note will be expected to meet the following objectives:

- Set out the situational context of the quality, free and compulsory education in Africa;
- Highlight the challenges in ensuring that education is not only free and compulsory but also child-friendly in Africa;
- Note the importance of article 11 of the ACRWC and other relevant African human rights instruments in safeguarding and fulfilling the right to education for children in Africa;
- Emphasize the importance of a child-friendly approach to fulfilling the right to education for particular groups of children such as children with disabilities and vulnerable children;
- Highlight examples of best practice in the provision of a child-friendly free and compulsory education for all children in Africa;
- Make recommendations for a holistic and integrated approach to fulfilling the right to a child-friendly, free and compulsory education for children in Africa;
- Make recommendations on some strategic ways in which the Day of the African Child on the specified theme can be celebrated; and
- Develop a monitoring framework for the celebration of the Day for the use of AU member states to assist the ACERWC in monitoring national progress of the African Child 2014 on the theme, '*A child-friendly quality free and compulsory education for all children in Africa*'.

### **Expected Outcome**

The Consultant will be expected to submit a Draft Concept Note including a Monitoring Framework on the theme for the 2014 Day of the African Child for consideration and adoption by the ACERWC.

### **Scope of Work**

The Consultant will be at liberty to consult members of the ACERWC, the Secretariat of the ACERWC and the DSA-AUC for relevant information and policy directives on the right to education, particularly on the concept of free and compulsory education as well as approaches to developing and implementing child-friendly policies. The Consultant may also consult child-focused organisations and other human rights organisations whose expertise, input and contribution will be necessary for the completion of the task. The Consultant may also rely on the Charter and other relevant African human rights instruments and AU policy documents, declarations and resolutions. The Consultant may also adopt any other appropriate methodology for collecting information to assist in drafting the Concept Note.

### **Time Frame**

The Consultant will be expected to complete the task within ten (10) working days commencing on 15th August 2013 and ending on 28<sup>th</sup> August 2013. Any work carried out on week-ends and public holidays within the stipulated time-frame are not factored into the calculation of remuneration for the Consultancy.

### **Working environment**

The Consultant will work from his/her duty station. For the purposes of the reporting framework, email communication will be considered official communication. Transmission of the document and draft to the Chairperson of the ACERWC through the Secretariat as well as progress report will be done via E-mail.

The Committee will make their comments and inputs on the draft Concept Note within a period of 10 days. These comments will be forwarded to the Consultant by the Secretariat of the Committee as soon as received. Comments and inputs from Partners will be forwarded to the Secretariat which will be submitted to the Committee for consideration and eventually forwarded to the Consultant.

The Consultant will thereafter have five (5) working days within which to incorporate the comments. Final documents will be submitted to the Chairperson of the ACERWC and the Community Law Centre in hard copy under cover of a signed letter. Accordingly, they will reply in writing with a signed letter in hard copy acknowledging the receipt of the document. The electronic version of the final document will be forwarded to the Secretariat of the ACERWC.

### **Reporting lines**

The Consultant will work under the direct supervision and guidance of the Secretary of the ACERWC. However during the course of work, the Consultant will be expected to liaise and consult directly with the Community Law Centre for financial matters.

### **Qualifications and Experience**

The Consultant must possess the following qualifications and experience:

- A Post Graduate degree in social science, human rights law, children's rights or other related discipline;
- Experience in working in social and cultural rights context;
- Experience in conducting multi-disciplinary and multi-country research;
- Experience and/or research in working with or on inter-governmental bodies and treaty-bodies;

- Excellent drafting and communications skills are a must;
- Extensive knowledge and experience of the African Union, African human rights system in particular the African Committee of Experts on the Rights and Welfare of the Child are essential;
- Proven track record of professional delivery on tasks, ensuring high quality of work with agreed deadlines; and
- Knowledge of French is desirable.

### **Remuneration**

The Consultant will be paid a total amount of US\$5000 (five thousand United States Dollars, broken down as follows:

- US\$500 per day x 10days = US\$5000.

The payment schedule will be as follows:

- 30% upon signing of contract; and
- 70% upon submission of a final acceptable draft

### **Documentation**

The title rights, copyrights and all other rights of whatever nature in any materials used or generated under the provisions of this consultancy will exclusively be vested with **the Secretariat of the ACERWC**.

### **Application process**

The following should be included in the application:

- A cover letter
- A brief curriculum vitae
- A two-page proposal on how the Consultant intends to carry out the tasks under the Consultancy
- A minimum of three (3) referees

A complete application should be submitted no later than Wednesday, 7<sup>th</sup> August 2013 at 1600 hours [South African time (GMT +2)] to:

Mr Edmund Amarkwei Foley  
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 Community Law Centre  
 University of the Western Cape  
 Private Bag X17  
 Bellville  
 7535  
 Republic of South Africa  
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[Mainac@africa-union.org](mailto:Mainac@africa-union.org)

Only shortlisted candidates will be contacted and a final decision reached no later than Monday, 12<sup>th</sup> August 2013.