

Terms of Reference

Regional Child Migrant Protection Policy Assessment in the Southern Africa Region

1. Background

The Regional Programming Unit (RPU), East and Southern Africa Regional Office (ESARO) has been implementing the Children on the Move Programme through funding from SC Italy. The programme has been extended for additional three years (2022-2024) and builds on the sustainability of the previous programme implemented in 2019-2021. The overall objective is to strengthen the realisation of the protection rights of migrant children in the Southern Africa region. The programme will be implemented through an adopted two-fold approach:

- 1) Policy and advocacy including coordination and
- 2) Capacity building through technical support in strengthening the realization of protection rights of migrant children in Southern Africa.

As part of the policy and advocacy efforts, a desk review of regional migration policies is planned to analyse the regional policy and national policy (for SADC countries) landscape and identify gaps in laws and their implementation.

This is based on the recognition that despite governments' commitments to regional, continental and global human rights instruments (including the UN Convention on the Rights of the Child [UNCRC], the African Charter on the Rights and Welfare of the Child [ACRWC], and the African Youth Charter), the realization of child and youth rights -particularly migrant and refugee children - continues to be a challenge due to inadequate legal and policy frameworks and/ or poor implementation. Amongst the RECs, there appear to be little significant efforts to adequately address children on the move. And hence the marginalization of children on the move continues to exist in regional government space, while child rights and child protection are often lacking in regional migration policies.

The outcome of the policy assessment therefore will support the development, adaption and implementation of an advocacy plan to address identified gaps (including gender, birth registration, etc.). This will be used as a basis from which to engage in continuous policy dialogue on the inclusion of protection rights for COM in migration policies.

Purpose and Objectives of the policy gap assessment

A desk review of the Regional Child Migrant Protection Policy Assessment of the Southern Africa Region will be conducted in order to inform Save the Children's engagement with regional stakeholders, especially regional economic communities such as the SADC and the AU, on strengthening child protection in regional migration policy frameworks. This review will provide a systematic, synthesised analysis of current laws and policies, their implementation and regional adoption, planned amendments, regional frameworks, and policy advocacy efforts by SADC and AU. There will be a specific country focus on Zimbabwe, South Africa, Zambia, Botswana, Eswatini and Mozambique. It is critical that the mapping and assessment of policies are focused on migrant child rights and a protection lens.

Aims

The aim of the assessment is to provide an overview and review of existing regional and national migration laws, policies and frameworks with a focus on migrant child rights and child protection in order to build a stronger understanding of the main policy gaps, both in formulation or implementation, preventing the SADC from effectively meeting the objectives of key international and regional policy frameworks.

The objectives will:

- a) Map current policies that either support or directly govern migrant protection in the region. This includes regional policy frameworks and their national implementation.
- b) Identify the status and level of institutional frameworks/instruments supporting the implementation of policies, such as Standard Operating Procedures, protocols etc. This places greater emphasis on how policies at the regional level are implemented on the ground, by national governments, in their respective contexts.
- c) Through a set of key informant interviews provide information and perspectives shared by stakeholders across the region that can help to better understand the role and impact of laws, policies and frameworks

The Desktop review will be guided by the following questions:

- 1) Do current regional and national policies and procedures protect the rights of children and youth involved in or affected by migration and displacement – and if so, to what extent?
- 2) What is the role and influence of regional bodies, including regional frameworks, on national migration policies, their implementation and their harmonisation?
- 3) Do regional policies and procedures recognize international instruments and have relevant and effective national policies and instruments to support cross-border work and case management?
- 4) What key policy initiatives to strengthen child migrant protection exist?

Geographic Scope

The policy assessment will cover the SADC region through secondary sources for data collection with a specific country focus on Zimbabwe, South Africa, Zambia, Botswana, Eswatini and Mozambique.

Methodology

The methodology for the assessment is qualitatively employing document analysis and interviews, but innovative use of the mixed methods approach is encouraged.

1. The document analysis will involve a systematic review of laws, policies and frameworks at a regional level and in South Africa, Zambia, Eswatini, Botswana, Zimbabwe and Namibia. Where necessary, Save the Children country offices will help identify key documents.
2. Interviews: approximately 10-12 key informant interviews should be held with SADC representatives and policy makers and influencers (those working between policy-making and implementation) in the five specified countries. Support will be provided by Save the Children to identify relevant key informants and where necessary, facilitate communication and setting up of interviews.

Deliverables:

- a) Overview of the current status: existing policies and institutional framework at regional level
- b) Key gaps in ensuring efficient implementation - policy and institutional level.
- c) International trends and proven practices.
- d) Recommendations and concrete proposed steps to inform RPU's regional-level advocacy strategy for migrant and refugee children and youth

Duration

This assignment is scheduled to begin on 1 June 2023. The successful bidder must commit to accomplishing and delivering the consultancy services and deliverables before or on 30 July 2023.

Competencies

This consultancy is open to both individuals and consultancy firms who meet the following criteria:

1. Advanced University degree in Social Sciences, Development Studies, or related area;
2. Demonstrate experience in similar projects focused on policy analysis. Research conducted in the field of migration and child protection would be a distinct advantage;
3. Experience and a strong grasp of case management processes;
4. Prior experience of researching child migration in the South African regional context, ideally including specific experience in Zimbabwe, South Africa, Zambia, Botswana, Swaziland and Mozambique.
5. Familiarity with child rights programming;
6. Demonstrate experience working with INGOs;
7. Demonstrate analytical and conceptual ability, good communication and facilitation skills;
8. Demonstrate strong report writing skills, a track record of delivering high-quality written outputs, and be able to share examples of previous work;
9. Demonstrate the ability to work independently and deliver on time.

How to apply

Applications should consist of:

1. Cover letter
 2. Examples of similar work already conducted
 3. Applications must be sent electronically to esaro.procurement@savethechildren.org on or before 30th April 2023 no later than 1700hrs EAT
-