

Terms of Reference

Consultancy to Develop a Legal Analysis and Position Paper on the Draft IGAD Migration Protocol

About EACRN

The Eastern Africa Child Rights Network of Civil Society Organizations (EACRN) was established in March 2014 to coordinate efforts by civil society organizations in Eastern Africa in advocating for children's rights. Presently, the network's membership constitutes of child-focused national CSOs coalitions from Kenya, Uganda, Tanzania, Rwanda, Burundi, Somaliland, South Sudan, Sudan and Madagascar. The network's mandate is to implement programmes that are focused on the realization of Children rights as contained in the African Charter on the Rights and Welfare of the Child (ACRWC) and the United Nations Convention on the Rights and Welfare of the Child (UNCRC).

Background

Migratory movements in and out of the East and Horn of Africa are diverse and significant in volume. The flows of people in, between and from countries in the region can best be characterized as mixed migration flows. Forced migrants, including asylum seekers and refugees, and voluntary economic migrants move within the region as well as beyond for a variety of different factors, including conflicts as well as socio economic conditions in their respective countries of origin. These migrants often use the same migration routes and modes of travel, including smugglers. In addition, victims of trafficking (VoTs) may also be among these migrants. Overall, this mixed nature of migration in the region makes it a challenge to identify different types of migrants and their specific vulnerabilities and needs. Irregular movements of migrants in and out of the East and Horn of Africa are diverse and significant in volume.

Irregular migrants are those that cross "borders without proper authority or violating conditions for entering another country". This includes both those migrants that enter a country irregularly and those that enter through regular channels, but then become irregular by overstaying their visa. Most of the countries in the East and Horn of Africa region are, at least to some extent, origin, transit and destination countries of irregular – next to forced and regular - migrants. Migration within the region can be described as being traditionally dynamic and highly reactive to political, socio-economic and environmental factors. Due to limited options for regular migration or the administrative challenges associated with it, many migrants choose irregular channels of migration, many being well aware of the risks and vulnerabilities associated with this type of migration. Trafficking in persons and other transnational organized crimes also happen within the context of migration. The International Labour Organization (ILO) estimates that at any given time, 12 million men, women and children worldwide are deceived or coerced



The Eastern Africa Child Rights Network

into forced and bonded labour, involuntary servitude and sexual slavery Migration creates social disruption of all age groups and this may be worse for trafficked children. Many children in Africa are moved between relatives for various reasons ranging from cultural practices of traditional fostering in times of need like not having children or orphan-hood or providing children with opportunities and protecting them from all forms of dangers. However, these traditional fostering practices have sometimes led to abuse of fostered children, who are then trafficked. Furtherstill, when parents are economically challenged, they perceive their children as assets and become gullible to tricksters who take their children for forced labour and sexual exploitation.

The Project

The Eastern Africa Child Rights Network has been implementing a project supported by the Girls Advocacy Alliance. Through this project, the EACRN has engaged with a cross section of policy makers in Africa towards ending Child Trafficking and Child Sexual Exploitation and creating a framework to address migration within the context of the IGAD region. One of the critical actors that the EACRN has engaged is the Inter-governmental Authority on Development (IGAD) and its technical committees particularly on the draft IGAD Protocol on Migration. This Protocol provides an opportunity for the IGAD regional countries to adopt a framework to address the emerging concerns around irregular migration. Currently, there exists varying provisions of legislation amongst IGAD Countries. This project background will provide an analysis of the current legal context of migration within the IGAD region.

Task and Scope of Assignment

The consultancy is limited to the review and analysis of the IGAD Migration Protocol and the development of a position paper for the EACRN, highlighting issues for the consideration and adoption by IGAD. A desk review and analysis of the draft protocol will be required and the international law in relation to Migration. It is expected that the consultant will also analyses human rights concerns around migration such as human trafficking and smuggling. Finally, a position paper will be drafted, highlighting the major issues for policy consideration by IGAD. EACRN will provide the consultant with the draft IGAD Migration Protocol and other necessary administrative support when required.

Consultancy Deliverables

- An analysis of the draft IGAD Migration Protocol
- Develop a position paper on the IGAD Migration Protocol



The Eastern Africa Child Rights Network

Qualifications and Competencies

Consultants/ research institutions interested in conducting this consultancy should have the following qualifications:

- At least a Masters/PhD degree in a relevant discipline, i.e. Law, Political Science or Social Development; A consortium of applicants is highly encouraged, please mention the lead consultant in this case.
- Proven experience in engaging policy makers within Eastern Africa.
- Experience in high level policy research and analysis
- Knowledge of child rights and human rights , particularly in the context of East Africa
- Ability to manage multiple, complex tasks being undertaken concurrently
- Capacity to conduct virtual meetings with relevant policy makers
- Ability to analyse, interpret and synthesize information from several sources

Duration and timing of the assignment:

The consultancy is expected to take a maximum of 30 days. The consultant is expected to work independently and regularly consult with the project team on work progress.

The consultancy is set to begin on 16th July and end on 16th August, 2020.

Submission of Interest

Interested Consultancies/companies/firms should submit an expression of interest that will include-

- Company profile/Individual CV indicating past experiences from similar projects
- Updated company profile and curriculum vitae with references
- A detailed proposal (expressing interest in the Consultancy including a detailed work plan)
- A detailed quotation

The expression of interest should be submitted to anita@eacrn.net and cc. secretariat@eacrn.net. The subject of the appearance of interest should be marked “*EACRN Legal Analysis and Position Paper on IGAD Migration Policy* ” (EACRN/OCA). Deadline for submission shall be 13th July 2020 at 5.00 p.m.

ONLY SHORTLISTED CONSULTANTS WILL BE CONTACTED

Cover letter should be addressed to:-

Regional Coordinator

**The Eastern Africa Child Rights Network
Cedar Court, Off Timau Road – Kilimani
P.O. Box 19494-00100 NAIROBI, KENYA**