

TERMS OF REFERENCE

CONSULTANCY TO DOCUMENT THE LEVEL OF IMPLEMENTATION OF NATIONAL AND INTERNATIONAL CHILDREN'S LEGAL FRAMEWORKS (AGREEMENTS, COMMITMENTS, CONVENTIONS, POLICIES AND TREATIES/LAWS ETC.) BY THE ZAMBIAN GOVERNMENT

1.0 BACKGROUND

The Jesuit Centre for Theological Reflection (JCTR), is a research, education and advocacy institution that promotes study and action on issues linking Christian faith and social justice in Zambia. The vision of the JCTR is to have a just Zambian society guided by faith where everyone enjoys the fullness of life. It seeks to provide critical understanding of current social, political and economic issues and generates action to address them. Key to its mission is the gathering and analysing of pertinent and topical data on issues, whose results are then employed in popular education and engagement with policy makers, service providers and other duty bearers on the identified issues.

Through partnership with Save the Children International (SCI), the Centre is implementing a project called "Driving Sustainable Change for Children's Rights" (DSCCR) in selected communities of Lufwanyama, Ndola and Masaiti districts of the Copperbelt province. The project is aimed at ensuring that Zambia has adequate space for girls and boys, women and men to participate and influence both planning and implementation processes of the national budget. The overall and specific objectives of the project are to contribute towards seeing government programs become responsive to the needs of children. This is intended to be accomplished through two key thematic areas. Civil Societies CSOs, children and communities influence budgeting processes for improved spending on children and, Children in the targeted districts benefit from improved quality service delivery in education, health and nutrition, child protection and social protection.

In order to ensure increased access to children's rights, it is imperative for community members, children and other stakeholders become aware of children's rights and participate in governance processes at both district and national levels. Advocacy interventions under this project are being aided by evidence based generation of information, creation of platforms for participation through budget formulation, interface engagements and monitoring through budget analysis and tracking meetings.

1.1 CONTEXT SUMMARY

Zambia has a projected population of about 19,470,234 people¹, of which over 51% live in rural areas and approximately 53% are children under the age of 18 years. Notable progress has been achieved in

¹ <https://worldpopulationreview.com/countries/zambia-population>

promoting children's rights in the past three decades in Zambia. The health policy stance for one regarding children has helped important child health indicators improve greatly with significant progress in most of the key areas of child health service delivery and health support systems recorded. Infant mortality for instance, reduced from 107 deaths per 1000 live births in 1992 to 70 deaths in 2007 to 42 deaths per 1,000 live births in 2018. An equally impressive decline was observed in under-5 mortality rate, which decreased by 61% from 191 to 119 in 2007 to 42 deaths per 1,000 live births over the same period². However, because of the country's high poverty rate, with over 60% of the population living below the poverty line, children, particularly those living in rural areas do not have access to most rights, including those to education, health and social protection among others. For instance, some children still cover long distances to access the nearest school, others still cover long distances to access the nearest health centre which compromises the quality of health and education services they receive.

The Government of Zambia has shown commitment to ensuring that every child is given an opportunity to enjoy their childhood as reflected in its commitments to various legal frameworks. Take for example, Zambia is one of the 52 countries in Africa that has committed to safeguarding children from all forms of violence by signing and ratifying a number of international and regional treaties. Among the international and regional treaties signed to safeguard children in Zambia is the African Charter on the Rights and Welfare of the Child (ACRWC) and the African Union Campaign to End Child Marriage in Africa. Aside from the Constitution, there are other pieces of legislation in place including the Penal Code, the Juvenile Act, the Employment of Young Persons Act, the Legitimacy Act, the Child Affiliation and Maintenance Act among others, which include provisions for the defence and fulfilment of children's rights. Government has made considerable strides in domesticating the articles of these instruments so that these liberties can be enjoyed by the children of Zambia through various laws and legislations among which is the National Child policy of 2015 that mandates the government to ensure that the Zambia children Survive, Develop, Participate and are Protected.

JCTR recognises the importance of regional and international agreements, commitments, conventions, policies and treaties/laws on the rights of children and wishes to undertake an assessment to document the how far the nation has gone to domesticate these international agreements, commitments and treaties/laws. This assessment will equally pay attention to the national policies and frameworks in place to enhance the rights of children.

2.0 RATIONALE

The Jesuit Centre for Theological Reflection, recognises that the survival, development, protection and participation of children hangs in effective laws, policies and programmes that respect, protect and promote fundamental human rights and freedoms. To this end, mitigating against the risks on child rights remains key to assist children living in poverty, children with disabilities, children in contact with the law, and children facing different forms of abuse.

Over the last two decades, Zambia has signed several human rights instruments that aim to uphold children's rights at global and regional levels including ratifying the United Nations Conventions on

² Zambia Population and Demographic Projections, 2011-2035

the rights of a Child (UNCRC) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. However, Zambia has not ratified some optional protocols to the Convention, nor has it ratified other important international human rights instruments. According to the Attorney General it was because Zambia has been facing challenges in ensuring its national legislation was brought in line with those instruments prior to ratifying them³. The Children's Code Bill which consolidated the laws providing for the rights and welfare of children as another example in 2022 is yet to be enacted.

The JCTR in partnership with Save the Children International (SCI) do hereby seek the services of a consultant to conduct an assessment and document the level of implementation of national and international agreements, commitments, conventions, policies and treaties/laws children's rights. It is expected that once produced the assessment report, will be used as an advocacy tool in engaging various stakeholders on the need for them to fully implement and prioritise policies on children's rights. Ultimately serving as a contribution towards ensuring that children live in an environment that helps them realize their full potential and meaningfully participate in society especially on issues that concern them.

3.0 SCOPE OF WORK

The consultant is expected to document all (most significant) signed/ratified agreements, commitments, conventions, policies and treaties/laws and conduct key informant interviews with all relevant stakeholders (individuals and organization) working on child related issues in the country. It is expected that attention will be given to identify commitments such as The Abuja Declaration and Incheon Declaration of 2015 that Zambia has committed to. The aforementioned commitments respectively spell out ideal budgetary allocations to encourage sufficiency and effectiveness of health allocation and the establishment two international benchmarks of spending on education. Furthermore, it is hoped that focus group discussions with community members and interviews with children should be taken in consideration so as to get rich and in-depth information on the level of implementation of international and national children policies. This will inform an analysis that addresses the following research areas.

- a) Document all agreements, commitments, conventions, policies and treaties/laws on children's rights both national and international that Zambia has signed and/or ratified.
- b) Ascertain the level of implementation of national and international children's agreements, commitments, conventions, policies and treaties/laws by the Zambia government.
- c) Spell out key obstacles or opportunities that have hindered or enhanced the implementation of agreements, commitments, conventions, policies and treaties/laws towards the fulfillment of the rights of children.
- d) Present a comparative country case from the region that has gained strides with the implementation of agreements, commitments, conventions, policies and treaties/laws aimed at enhancing the rights of children and the close link presented to economic, social and cultural rights.
- e) Provide clear recommendations to enhance Zambia's sustainable commitment towards the fulfillment of children's rights through a clear legal framework.

³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16987&LangID=E>

4.0 DELIVERABLES AND PROPOSED TIMELINES

- The consultant will work under the supervision of the Faith and Justice Program Manager.
- The consultancy is for a duration of Twenty-five (25) days including weekends, through the estimated period of *18th April to 12th May, 2022*.
- Review of documentation, discussing and agreeing with JCTR on general scope of the study as per set out study objectives.
- Submit to JCTR after five (5) days an inception report outlining the consultant's interpretation of the terms of reference, proposed methodology, timelines and activities to be conducted in undertaking this assignment.
- Develop, produce and submit a first draft report for JCTR to review and provide feedback.
- Attend a half day meeting to present the report findings to JCTR and its partners (where applicable) and get wider feedback on the first draft.
- Address comments and develop the final draft of the study (with clear recommendations on the targets for advocacy, advocacy messages as well as the advocacy strategies to undertake in advocating for speedy and sustainable implementation of international and national policies on children's rights).
- Availability to take part in further follow-on activities if need arise.

5.0 CONSULTANT REQUIREMENTS

- At least a University master's degree in relevant educational background in Social Sciences fields that are relevant to this study; Development Studies, Social Work, Law among others. Advanced university degree in Law or related field will be an added advantage;
- At least five years' work experience in Human rights, with a desirable focus on child rights;
- Strong grounding in the area of governance in Zambia;
- Knowledge on the application of human /child rights treaties in Zambia;
- Understanding of the role of communication in sensitisation and advocacy work. With strong speaking, and applied training skills;
- Demonstrated strong writing skills and ability to produce high quality research work as evidenced by publications of relevant studies, reports and/or articles. Proven track record of previous development of achievements with the Government, NGOs and Donor Agencies is desirable.

6.0 EXPRESSION OF INTEREST

All expressions of interest (of no more than eight pages) should include:

1. **Technical Proposal:** This should include a brief profile about the consultant with particular emphasis on previous experience in this kind of work; the consultants understanding of the Terms of Reference, proposed work plan (timelines) and tasks to be accomplished etc.
2. **Financial Proposal:** This should provide cost estimates for the consultancy (fees based on person's days for the assignment). **Tax obligations should be included.**

7.0 SUBMISSION OF INTREST

- All expressions of interest should be addressed to:

The Executive Director

Jesuit Centre for Theological Reflection

P.O. Box 37774

Lusaka.

- The deadline for submission of the expressions of interest is ***Wednesday 6th April, 2022 at 12:00hours.*** In view of COVID-19 health concerns, all expressions of interest should be submitted electronically to admin@jctr.org.zm and jctr.office@gmail.com

For further details, contact us on (+260 211 290 410 or +260 955 290 410)

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