

**TERMS OF REFERENCE ON ASSESSMENT OF THE MAGNITUDE OF CHILD
ABANDONMENT AND ITS IMPACT TO THE CHILD WELFARE – IN KILWA AND PEMBA**

1. Introduction

In Pemba and Kilwa women are brought to believe that they are bound to remain within the spheres of their households and not for the public sphere which leaves women destitute and their fate held by their male counterpart who in turn hampers their wellbeing in all spheres of life. Women are less involved in decision making processes where decision making of what is wrong and right is vested on men. In terms of ownership and distribution of resources, women have largely remained to be primary producers but not owners of their produce which subjects them into poverty and life hardships.

Divorce is also a very common practice in the two areas, where in most cases children are left with their mothers upon divorce and separation. Some of the divorced women would re-marry and again they must leave their children on the hands of their grandparents who are also less energetic to take care of themselves. This adds burden to grandmothers as they should be involved in taking care of the families and particularly children who have been abandoned by their parents. In this regard children are separated with their parents and are likely to be denied their basic rights such as protection, education and health.

The foundation of children's rights as provided in the national laws and policies as well as the Regional and International Conventions related to human rights and on the welfare of the child. For example, the UN Convention on the Rights of the Child is built on the basic human rights with special reference to the needs of children.

Tanzania has ratified the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. In doing so Tanzania has accepted international and regional obligations and mainly recognizes the child as an individual with dignity, rights, views and needs. Accordingly, the law of the Child Act 2009 was enacted to effectively domesticate the UN Convention of the Rights of the Child (CRC) and provides the legal framework through which the rights of the country's children can be protected and realized. The Law of the Child accords protection on children against any acts that would pose the most serious challenges children in Tanzania today. It addresses such issues as non-discrimination, the right to a name and nationality, the rights and duties of parents, the right to opinion and the right to protection from torture and degrading treatment.

On the other hand, the Zanzibar Constitution of 1984 guarantees rights and freedoms for all. The Constitution does not have any provision directed to children, but the provision of rights and protection to all persons include children where they are all entitled to equal treatment regardless of the social status of their parents, or their gender, are also born free, deserving respect and dignity, non – discrimination and right to social security.

Zanzibar as a semi-autonomous region of Tanzania is also bound with the regional and international instruments that were ratified in Tanzania mainland, including the UN Convention on the Rights of the Child and its Optional protocols as well as the African Charter on the Rights and Welfare of a Child, in which the custodian of these laws is the Ministry of Labour, Youth, Development, Women and Children in Zanzibar.

The strategies for protecting children in Zanzibar are in line with Program on Poverty Alleviation and Economic Growth in Zanzibar popularly known as (MKUZA), Vision for Development up to the year 2020 (Vision 2020) and Policy on the Survival, Protection and Development of the Child of 2001 through the Ministry of Labour, Youth Development, Women and Children in Zanzibar.

Various agencies/institutions have been established and mandated to exercise the duty to ensure promotion, protection and preservation of human rights and the dignity of all humans e.g. Police, Judiciary, Commission for Human Rights and Good Governance etc. There are also number of institutions and organizations who are contributing to progressing areas such as water, health, agriculture, industries, communication, social welfare etc. where their contribution is reflected in providing basic needs and protecting rights and dignity of human beings.

According to the Africa Child Policy Forum report (2016), child protection is increasingly being recognized in Tanzania, where it is also recognized that violence against children is widespread at home, at school and in community settings. Specific groups of children – including orphans, children living with step-parents and relatives, those with disabilities, child labourers and children living on the streets – are particularly vulnerable to abuse and exploitation. There are numerous initiatives to strengthen child protection, based on the Law of the Child Act (2009) which laid down the framework for a national child protection system. These include deliberate national-level efforts such as the National Disability Act, the Anti-Trafficking in Person Law, the NPAs on Child Labour and NCPA II which have led also to the establishment and roll-out of district-level child protection teams (CPTs).

Despite all those efforts and initiatives by various stakeholders, the subject of child abandonment has not been given the appropriate attention, both in laws and practice, in both Tanzania mainland and Zanzibar. There is no established evidence that the problem has been well assessed to generate facts and findings on the magnitude of the problem and how it has an impact on the wellbeing/welfare of children.

Specifically, in Kilwa and Pemba, most of marriages are broken (come to an end) within the spheres/settings of the community level without following legal procedures for either separation or divorce. As a result, the custody of children is not usually considered as an important agenda to ensure that parents have set up an arrangement in relation to the upbringing and care of the children after separation or divorce, depriving them of their rights to grow up in a family set up.

As such, ActionAid Tanzania is interested to undertake an assessment to generate baseline information on the magnitude of child abandonment and its impact to children welfare in Pemba and Kilwa.

2. Purpose of the assessment

The overall purpose of this assessment is;

- to assess the magnitude of children abandonment, its cause and impact to the upbringing of and on the welfare of children.
- to assess knowledge/understanding of parents and other caregivers, on their roles and obligations to ensure that child upbringing is an agenda of concern whenever a situation of separation or divorce is encountered.
- to generate recommendations from the findings which will be useful in guiding our programme design and interventions around child protection, focusing mainly on promoting for provision of support services to children who are left abandoned.

3. Specific Objectives

- To assess the magnitude of child abandonment in Pemba and Kilwa and reasons as to why (causes/factors) children experience isolation and abandonment in these target areas
- To assess national policies, strategies and laws which are in place, related to custody arrangement and upbringing of children after divorce /separation and the level of implementation of such laws/policies/strategies, in Pemba and Kilwa
- Policy recommendations on strengthening child protections systems/mechanisms for children who have been abandoned

4. Methodological approach and Process

ActionAid Tanzania will engage a consultant/team of consultants to deliver this assignment. The potential consultant / consultants is/are expected to;

- Apply both quantitative and qualitative research methods in conducting the assessment.
- Use purposive sampling to identify the respondents to the basement.
- To use participatory tools and techniques for data collection.
- To use both qualitative and quantitative data analysis methods in generating the report.
- To support primary data with a comprehensive secondary data analysis by conducting a thorough desk review to analyse the context

5. Deliverables

- Inception report that outlines detailed content and process of the study. The inception workshop is part of the assessment process to measure the understanding of the TOR by the consultants.
- Draft report for review and comment by ActionAid Tanzania
- Final consolidated report. The report should be submitted in soft and hard copy and should not exceed 30 pages (main body exclusive of annexes)

The final report should at least use the following format;

- Executive summary
- Background
- Study objectives
- Methodology
- Major findings of the study assessment
- Conclusions
- Recommendations
- References
- Appendices / Annexes (if any)

6. Timelines

The work/assignment is expected to take a total of 30 days from the date of signing the contract. There will be no time extension for the work due to time limitations. The total number of days for the assignment includes the validation meeting and report submission.

7. Qualifications of the consultant

- a) Must be in possession of a social sciences advanced degree in fields such as Development Studies, Economics, Community Development, Public Administration and any related fields.
- b) Experience in research work and dissemination of research findings with similar assignments or related work
- c) Possession of all required legal documents to authorize the consultants to undertake the study, such as registration certificate and Business Tax Identification Number (TIN). If it is an academic institution, recommendation from the institution's administration is encouraged.
- d) Evidence of assignment of similar or related work.
- e) Curriculum vitae (CV) detailing experience from similar or related work.
- f) Should be able to demonstrate competency and experience of more than 3 years in the field of interest.
- g) Have no records of proven child abuse cases and should be willing to sign ActionAid's Child protection policy for compliance purpose.

8. Expected output:

- Complete and final assessment report submitted to ActionAid Tanzania (as per the structure mentioned above)
- 3 pages executive summary with the key findings
- Soft copy of the report including the data analysis sets

9. Payment schedule

50% of the total consultancy fee will be disbursed once the consultancy contract has been finalized and the remaining 50% after the final work has been finalized and agreed.

PLEASE NOTE: - The Inception Workshop(s) DOES NOT form part of the contracting process.

10. Requirement & Application process

Interested consultant/s can apply for the assignment submitting the following documents:

- i. Expression of interest to take up the assignment- separate technical & financial proposals.
- ii. Curriculum Vitae (CV).
- iii. Testimony of experience in similar works.
- iv. Evidence of valid tax payer's identification certificate
- v. Consultancy certificate/ license to run the services.

11. Deadline for submission

The deadline for submission of the application is **8th November, 2019.**

Applicants should submit their documents through the following address;

Procurement and Logistics Officer

ActionAid Tanzania

Mikocheni B Area, Makuyuni Street Plot No. 79

P. O Box 21496

Dar Es Salaam, Tanzania

OR

Email your bid to: olympia.venance@actionaid.org