



Terms of Reference.

REF: IOM/MSH/022/2021.

Assignment Title: International Consultant.

Duty Station: Home Based.

Type of Appointment: Consultancy Contract.

Estimated start date: November 2021.

Established in 1951, IOM is a Related Organization of the United Nations, and as the leading UN agency in the field of migration, works closely with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

Background/Rationale:

While most countries in East and Horn of Africa and Southern Africa regions are signatories to the main international human rights instruments, including those enacted by the African Union, national legislation and policies on migration are either absent or inadequate to afford protection to migrants, particularly in contexts of weak governance and limited state capacity. In the East and Horn of Africa, IGAD's Regional Migration Policy Framework cites the lack of harmonized migration management policies as a challenge. In the Southern African region, a 2018 report by the University of the Witwatersrand's African Centre for Migration & Society found numerous obstacles to free and safe movement in Africa, notably: the low rate of ratification and transformation of continental and regional legal instruments into national regulatory frameworks, and; weak governance and administrative capacity which creates space for criminal non-state actors to corrupt officials at border posts and checkpoints along the region's extensive, porous and unmanaged borders.¹ Such gaps leave many law enforcement officials to puzzle out for themselves how to correctly interpret and apply existing human rights requirements, often to the detriment of migrants who are then denied protection and services to which they are entitled.

In East and Horn of Africa and Southern Africa, human migration is dynamic and multi-purposed, with migrants driven by conflict and violence in some places and drawn by the prospects of educational and employment opportunities in others. With the COVID-19 pandemic crushing national economies and closing borders, many people within the region are turning increasingly to migrant smugglers, exposing them to greater protection risks including abuse, violence and human rights violations including but not limited to torture, sexual and gender-based violence and in extreme cases death. Increased irregular migration can also frustrate national health screenings and contact tracing programmes. The region's migrants are frequently exposed to dehydration, starvation, and, when travelling by sea, the dangers of forced disembarkation while in deep-sea areas and the capsizing of

overcrowded boats.² Prior to the pandemic, an estimated 20,000 migrants travel through the Great Lakes and SADC regions to try to reach South Africa each year alone, with approximately 44% of these being women.

Migrants often face heightened risks at international borders, particularly those who are presumed to be in irregular situations. Many migrants lose their lives when border guards are given orders to employ extreme measures to deter irregular migration, or when they board unseaworthy boats and smugglers leave them to die at sea. At land, sea and air borders, migrants experience discrimination and arbitrary decision-making, unlawful profiling and disproportionate interference with their human rights including their right to privacy, torture and sexual and gender-based violence, dangerous interception practices, and prolonged or arbitrary detention. National law and administrative regulations can also characterize borders as zones of exclusion or exception for human rights obligations, and seek to exempt them from compliance with the human rights safeguards, checks, and balances that are usually embedded in national laws. One 2018 study found that women migrants traveling through Southern Africa identified border crossings as the most problematic components of their journeys, regardless of nationality or documentation status, due to high levels of corruption, violence, and threats. Many study participants reported wilful discrimination or failure to understand their documents and associated rights, and indicated low levels of trust in the law enforcement authorities or core services due in part because of the inadequate knowledge of foreigners' rights.³ The COVID-19 pandemic has also exacerbated xenophobia and discriminatory treatment of migrants in the countries of destination, as well as those stranded in transit. Stranded migrants (especially women and children) also face greater risks of being abducted by the criminal gangs profiting from human trafficking and associated forms of exploitation and abuse.⁴

Migrants in the region also face numerous rights-related challenges upon return, particularly the many thousands who have been forcibly returned en masse and stretch the capacities of their national governments to absorb them. In 2019, for example, 120,825 Ethiopian nationals and more than 5,000 Somali nationals were returned from Saudi Arabia alone.⁵ Whether forced, voluntary, or spontaneous, returnees often encounter communities which are concerned that they may increase risks of COVID-19 transmission. They are also more likely to struggle to gain access to local support services, including health services, while also dealing with high levels of personal debt, a lack of local income-generating options, and psycho-social challenges of re-adapting to local norms and practices. Established in 1951, the International Organization for Migration (IOM) is the principal inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

In 2009, IOM established the African Capacity Building Centre (IOM-ACBC) at the request of its African Member States. Since that time, the ACBC has trained more than 7,600 migration officials from across the Continent on a range of migration management themes, including international migration and human rights law and policy, identity and border management,

³ Aimée-Noël Mbiyozo, 'Gender and Migration in Southern Africa: Talking to Women Migrants', Institute for Security Studies (ISS), Southern Africa Report, November 2018: <https://issafrica.s3.amazonaws.com/site/uploads/sar-16.pdf>

⁴ Katrin Marchand, Julia Reinold and Raphael Dias e Silva, *Study on Migration Routes in the East and Horn of Africa* (Maastricht, Maastricht University, 2017).

⁵ IOM, *A Region on the Move*.

health, and transnational organized crime, including migrant smuggling and human trafficking.

Given its key role in supporting African Member States with the implementation of the Global Compact on Migration and the aspirations of Continental instruments such as the African Union's 2063 Agenda, the African Continental Free Trade Agreement, the Free Movement Protocol, and the Migration Policy Framework Agreement (MPFA), IOM-ACBC will develop a practical, protection of migrants training manual to support African migration officials at borders to respect, protect, and uphold the human rights of migrants. This activity is being supported by the Southern Africa Migration Management project within the framework of the second component of the project on enhancing the protection framework for vulnerable migrants including those along the

RESPONSIBILITIES AND ACCOUNTABILITIES:

The objective of the intervention is to strengthen the capacities of migration officials in Africa to respect and uphold international human rights principles in the challenging migration management contexts in which they work. The Protection of Migrants in Africa Handbook will recognize the sovereign authority of States to admit or not, to detain if necessary, and expel non-nationals when not allowed to stay on the territory, as well as to determine nationality. It will also provide rights-based guidance in the exercise of this authority in an African immigration and border management context. Rooted in applicable international law, particularly African human rights instruments and case law wherever possible, the training handbook will be modular in its organization, and will incorporate practical exercises in each module, including scenario-based learning to facilitate cooperative problem solving among training participants. Case studies and similarly practical activities will be drawn from the African migration context, and migration experiences at African borders specifically, as a means of helping migration officials to apply human rights principles consistently in their everyday work.

Scope of work and expected outputs/deliverables:

a) Objective and expected results

Objective

- 1) Enhancing capacities of African migration officials to respect and uphold international human rights principles in the challenging migration management contexts in which they work, as part of applicable international and regional migration law.
- 2) To create an awareness of applicable international instruments, particularly the regional African migration and human rights instruments, structures, policies and practices in order to increase/enhance the knowledge and skills of African migration officials, including those working at international borders.

b) Scope of work and expected outputs/deliverables:

1. In 2021, IOM-ACBC developed a prototype for an online Repository of African Migration Law, Policy, and Practice (RAMP) and, in so doing, collected a wide range of African

source material relevant to the current project that can be made available to the consultant.

2. **Expected outputs:**

1. Inception report detailing the consultant's understanding of the assignment and how the development of the training manual will be conducted. The inception report will include a matrix summarizing the timelines, proposed components and outline of the modules, and design, as well as an elaboration of the proposed training methodology.
2. Protection of Migrants in Africa Handbook including:
 - a. Three-day training agenda,
 - b. Facilitator's guide,
 - c. power point presentations,
 - d. Case studies and other activities to facilitate group discussion and learning.

c) **Target:**

3. The training modules are primarily designed to support capacity development of:
 - a) National government officials with responsibilities for immigration and border management.
 - b) Regional experts from institutions with migration management policy functions.

d) **Timeline:**

November 2021 – March 2022

e) **Reports and Coordination:**

The protection of Migrants in Africa Handbook will be managed by IOM ACBC based in Moshi, Tanzania, in consultations with the IOM Regional Offices in Pretoria and Nairobi and other IOM Regional Offices in Africa as well as IOM's International Migration Law Unit.

DESIRABLE QUALIFICATION

Qualifications:

Professional, post-graduate or equivalent degree in Law, with a specialization in human rights and international migration law. Relevant qualifications in adult learning and training is also required (or a distinct advantage). An experience in Public Policy also an asset.

Experience:

Technical experience/competencies

- i) Minimum international work experience of 5 – 10 years.
- ii) Demonstrable technical experience in the field of training and migration management.



- iii) In-depth knowledge of contemporary migration dynamics in Africa and other regions.
- iv) Proven substantial involvement in developing training modules/curriculum, training materials etc.
- v) Knowledge of global, continental and regional policies, laws and initiatives regarding migration and human rights;
- vi) Previous experience with the AUC, RECs, the UN (in general) an advantage.

Other skills/competencies

- i) Experience and ability to navigate political processes in sensitive settings;
- ii) Excellent drafting/writing and analytical skills;
- iii) Strong interpersonal, networking and presentation skills.

Competencies:

The incumbent is expected to demonstrate the following values and competencies:

Values

- Inclusion and respect for diversity: respects and promotes individual and cultural differences; encourages diversity and inclusion wherever possible.
- Integrity and transparency: maintains high ethical standards and acts in a manner consistent with organizational principles/rules and standards of conduct.
- Professionalism: demonstrates ability to work in a composed, competent and committed manner and exercises careful judgment in meeting day-to-day challenges.

Core Competencies

- Teamwork: develops and promotes effective collaboration within and across units to achieve shared goals and optimize results.
- Delivering results: produces and delivers quality results in a service-oriented and timely manner; is action oriented and committed to achieving agreed outcomes.
- Managing and sharing knowledge: continuously seeks to learn, share knowledge and innovate.
- Accountability: takes ownership for achieving the Organization's priorities and assumes responsibility for own action and delegated work.

Communication: encourages and contributes to clear and open communication; explains complex matters in an informative, inspiring and motivational way.

Notes;

Appointment will be subject to certification that, the candidate is medically fit for appointment.

How to apply:

Interested candidates should fill in the PH form, submit CV's and cover letter indicating Vacancy Notice number with 3 professional references and contacts to email address:



tzvacancy@iom.int

Only e-mail applications will be considered.

For further information, please refer to:
<https://tanzania.iom.int/vacancies>

Posting period:

From 20th October 2021 – 02th November 2021