

TERMS of REFERENCE

CHILD RIGHTS SITUATION ANALYSIS of children at risk of losing parental care and children who have lost parent care

1. Background

The UN Convention on the Rights of the Child (UNCRC) provides the key framework for the work of SOS Children's Villages. In addition, the UN Guidelines for the Alternative Care of Children are an important reference framework for the organisation as they enhance the implementation of the UNCRC regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

The organisational programme management cycle requires a sound national analysis of the organisation's target group, the national context and the main child rights violations. This serves as basis for decision about the growth of the National Association and, thus, for the planning of any future programmes in this country.

For SOS Children's Village Macedonia a Child Rights Situation Analysis (CRSA) is a organisational development and analysis tool in an evidence-based program management and planning cycle. CRSA is a great opportunity to put children at the centre and look at their situation holistically to get new insights and a deeper understanding of what effects their lives, to make visible and address the most vulnerable groups of children and families and to identify possible future cooperation partners.

The organization's target group children are defined as:

- **Children at risk of losing parental care** – this means that children's basic material, emotional, health and educational needs are being neglected or they are abused, because their parents/care-givers lack the capacity to adequately care for their children;
- **Children who have lost parental care** – this means that children live physically separated from their family.

The legal and budgetary assessment will be conducted as a part of the CRSA. Thus assessment will be focused at identifying and analysing policies, budgets and national programmes for children without parental care and for children in difficult life situation to inform SOS Children's Village Macedonia's strategy for increasing government subsidies to support its current programmes. The detailed scope of this assessment is defined below.

2. Purpose and focus of the study

A Child Rights Situation Analysis (CRSA) is an in-depth description of the extent to which children's rights are being practiced and an analysis of the obstacles to, and enablers of, their realisation. The CRSA will include a range of perspectives, including those of children and young people. CRSA is a key instrument for planning and informing the organization's strategy for the next five years to improve the situation of the target group children. Doing a CRSA bears the great opportunity to put children at the centre and look at their situation holistically to get new insights and a deeper understanding of what affects their lives, to make visible and address the most vulnerable groups of children and families and to identify possible future actions.

By documenting and investigating changes in the situation of children and their families and analysing causes and bottlenecks for the full realization of child rights, CRSA represents an important stock-taking opportunity on progress made and challenges remaining. As a comprehensive and updated knowledge base of the situation of the target group children in Macedonia, it will serve to harness evidence-based advocacy and policy dialogue efforts, further strengthening the engagement of key stakeholders in committing to the realization of child rights and in leveraging concerted action on behalf of the most vulnerable children in Macedonia.

The general objective of this study is to provide the insight of the situation of the target group children (who are at risk of losing parental care and who have lost parental care) with the focus on the legal and budgetary

analysis to inform SOS Children's Village Macedonia's overall strategy and to provide the basis for the strategic initiative of increasing government subsidies to support its current programs. As part of CRSA, the legal and budgetary assessment will be conducted. The assessment will provide the legal basis and existing financial possibilities for increasing government subsidies for the child care and prevention of child abandonment services for SOS Children's Village Macedonia.

In particular, the CRSA will:

- overview the general situation in child welfare sector (basic country information)
- provide relevant social, cultural, religion, economic, political and key figures related to human development index
- overview child rights violations in the target group
- develop a comprehensive trend analysis of resource mobilisation, allocation and public expenditure patterns towards the target group children
- identify and analyse relevant policies, national/regional strategies and programmes in the country related to the target group children
- identify the gaps and barriers to implementation of current policies, strategies and programmes on the target group children
- identify specific roles for stakeholders including the state ministries, and other stakeholders in promoting public investments in children
- analyse public spending on children particularly in health, education, child protection, social protection and national child rights infrastructure.
- assess the extent to which current budget levels are adequate to meet stated policy priorities and objectives on children
- analyse the national legal frame as base for receiving government subsidies/funding for non-governmental organisations
- identify key advocacy issues that will be translated into an action plan based on the findings of the study
- provide policy recommendations to improve the response to budgeting and programming for the target group children
- provide recommendations for priority actions for improvement of the child care and child protection system in the country.

3. Methodology and Responsibilities

For the process of conducting the CRSA and legal/budgetary assessment it is recommended to conduct a desk research and consultations with main stakeholder groups, including children and families.

The consultant/s will also conduct interviews, focus group discussions and/or workshops with different stakeholders, including regional and local authorities concerned with issues of children without parental care or at risk of losing parental care; representatives of respective non-governmental organizations; and representatives of the target group.

The CRSA consultant/s will directly report to the National Program Development Director (NPDD) and National Advocacy Advisor of SOS Children's Village Macedonia on a day-to-day basis. The National Advocacy Advisor will coordinate the process of CRSA report development and support the consultant throughout the assignment. The consultant will work very closely with Program Advisors, and other staff as advised by NPDD in developing approach, design of tools, analysis of data and preparing the final report.

4. Report format:

External consultant/s will provide SOS Children's Village Macedonia with an electronic version of the draft and final reports following the proposed outline (Appendix 1). The report will be prepared using single line spacing, times new roman size 12 font, contain page numbering, list of acronyms, a table of contents, foot notes, references, relevant annexes and appendices. The study report will be no more than 40 pages of A4 format (excluding attachments).

Final report should be submitted to National Director of SOS Children's Village Macedonia in English and Macedonian language, in electronic format.

5. Duration of the consultancy

It is estimated that the consultant/s will work over a period of up to three months (October - December 2017).

6. Profile of the external consultants

The composition of the study team is left to the consultant/organization based on their internal system, ideas and logic. However, SOS CV Macedonia recommends that it comprise one Team Leader (TL) to coordinate the overall study and liaise with SOS CV Macedonia. Supervision of the field work and quality (reliability and validity) of the data/information collected from the field is the primary responsibility of the TL. In case of the consulting firm, the responsibilities can be assigned to the qualified and experienced team member. The study team should work closely with the National Programme Development Director of SOS Children's Village Macedonia.

The team will include members with advanced university degree(s) in social sciences or other related disciplines, with specialization in child right and protection. The team leader will also have adequate skills in qualitative and quantitative research, literature review and other research methodologies, and excellent drafting and writing experience, will be fluent in English and possess excellent written and oral communication skills. Members of the team will possess skills and experience in gathering and analysis of a wide array of information and publications, a good knowledge of government structures in the sphere of child welfare and protection, and knowledge of the out-of-home care system in the country.

7. Selection Criteria and weight

The selection will be made through a bidding process based on the quality of the proposals, relevant working experience, qualification/background of the study team members and competitive budget.

SOS CV Macedonia has a set of criteria to select the proposal based on the offers meeting the specific requirements listed under the eligibility criteria and the proposed budget. The following criteria will be considered for selection:

1. Experience of the organization/consultant, quality of the team (CVs) –40%
2. Quality of the proposal – 30%
3. Budget – 30%

8. Instruction for submission of proposal:

Interested consultants/organizations are requested to submit the following:

- A letter of interest with a short capacity statement of your organization or team;
- A brief proposal outlining how you plan to achieve the objectives as stated in the TOR along with recently updated CVs of professionals.
- A financial proposal outlining the overall gross budget required to achieve the objectives of the TOR. The financial proposal should include all budget items including tax and other associated costs.
- The letter of interest and Proposal should be mailed to: SOS Detsko selo Skopje, Milena Stojanovska, st. Finska 131, 1040, Chento, Skopje, R. Macedonia, with purpose: "Child Rights Situation Analysis", in a sealed envelope, by the 29th of September 2017.

Appendix 1: Structure of the final study report will follow the outline proposed below:

1.1 Report template for the child rights based analysis

1. Title page

Name of the country, title, date, name of the authors

2. Summary of main trends and findings

Executive summary (2 - 3)

3. Introduction

- 3.1. Description of the distribution of roles and responsibilities in the analysis team.
- 3.2. Short description of the overall analysis process and methodologies applied. Give details about the steps undergone to gathering primary data and the use of the secondary data.
- 3.3. Describe the involvement of children, young people and families in the CRSA process as important stakeholders.
- 3.4. Description of stakeholders¹ involved in consultation process and of their relevance for the process. Use the table below for the description.

Stakeholders	Name/Type of organisation	Relevance of the stakeholder for the topic	Contacts for further consultations
e.g. Centre for Social Work	Local state child welfare authority	Apply the national child care legislation at local level; allocate resources and monitor implementation	Ms./Mr., function Tel. ... E-mail: ...

4. General overall situation – basic country information²

Relevant social, cultural, religion, economic, political and key figures related to human development index. Indication of WHO under-five mortality rate in the country.

5. Profile and number of children in the target group

- 5.1. Definitions: Indicate the official national definitions of our target group: “children at risk of losing parental care” or “children without parental care” if existing. Indicate the definition used at national level for children at risk. Point out the gap between these official national definitions and the definition in the SOS Children’s Village Programme Policy (p. 4).
- 5.2. Which categories of children, how many and why are they at risk of losing parental care? (Segregated by age, gender, disability, HIV/AIDS status, school enrolment, indigenous or minority background and regions) Indicate the most vulnerable categories and the regions with the highest prevalence of these categories!
- 5.3. What are the causes for children to lose their parental care in the country? (Segregate by immediate and underlying causes).
- 5.4. How many children are without parental care? (Segregated by age, gender, disability, HIV/AIDS status, school enrolment, indigenous or minority background and regions.) Indicate the most predominant and vulnerable³ categories of children without parental care in the country and the regions with the highest prevalence of these categories!

¹ **Stakeholders** - could be persons and/or entities that who/which are affected by a project/program and have an interest in it. (e.g. NGOs, local and national government, research institute, religious groups, local community, beneficiaries, mass-media, corporate, etc.) As beneficiaries, children, young people and families are important stakeholders.

² For this section, use internationally accepted sources, such as UNICEF, UNAIDS, UNDP (especially refer to Human Development Index & Millennium development Goal reports) no older than three years

³ The [UN Guidelines for the Alternative Care of Children](#) (Art. 8b, p. 7) consider “vulnerable” following categories of children: “children victims of abuse and exploitation; abandoned children; children living on the street; children born out of wedlock; unaccompanied and separated children; internally displaced and refugee children; children of migrant workers; children of asylum-seekers; or children living with or affected by HIV/AIDS and other serious illnesses.

5.5. What are main types of informal and formal alternative care⁴ (including religious facilities) in the country, as described in the national child care legislation?

6. Overview of child rights violations in the target group

6.1. What are the main child's right violations faced by the children without parental care and at risk of losing parental care in the country? What are the main causes for these rights violations? You can describe them according to the proposed structure below (includes the child rights which are considered crucial for the work of SOS Children's Villages) and please refer to key issues such as: best interests of the child, assessment of care, legal guardianship, individual development plan, siblings, family reintegration, respect for cultural and religious practices, health, education, stigmatisation during and after care, complaining mechanisms, access to a person of trust⁵.

Broad areas	Main child rights violation	Describe risks & problems children are facing	Causes for child rights violations
Non-discrimination (art. 2)			
Survival and Development (art. 6, 7, 8, 23, 27, 28, 29)			
Protection (art. 5, 9, 19, 20 and 37)			
Participation (art. 12, 18, 23)			

7. Responsibilities of the duty bearers and their main strategies

- 7.1. Analysis of state and non-state social service providers in the country:
- What are the legally recognized social service providers in the country?
 - Are the state and local authorities engaged in direct service provision?
 - If "yes", do they need to establish special entities for this, or they act directly as public subjects?
 - Are CSOs recognized as equal (to the public) social services providers?
 - What is the role of commercial companies as non-state services providers?
 - Are there unified requirements for operation of state and non-state service providers? (are there license or registration regimes? Do they apply only for government-funded services or for all services (including financed by donors)?
- 7.2. Analysis of main participants in child welfare (working with the target group):
- Are there different requirements applicable to service providers, working in the child care and prevention of child abandonment?
 - Are there any standards for services for children?
 - What types of child care services are predominantly provided by non-state actors?
 - What are the main sources of their funding?
 - Can you figure out the share of government subsidies in the funding of CSO's providers of social care/prevention and social support for children?
- 7.3. Large government foundations in the country (established and founded by the government)?
- 7.4. Mapping of the main duty bearers⁶ in the country, their main responsibilities (e.g. develop political system and legislation, promote values and attitudes, budgeting resources, monitor the use of the resources, etc.) and constraints and obstacles in fulfilling these responsibilities⁷:

Duty-bearer/	Main	Capacity analysis

⁴ For the definitions of different alternative care types refer to the [UN Guidelines for the Alternative Care of Children](#) (p. 10).

⁵ Please consult the provisions of the [UN Guidelines for the Alternative Care of Children](#) related to the mentioned topics.

⁶ **Duty bearers:** an entity or a person meeting its obligation under international law to respect, protect and fulfill people's rights. It is usually the State but can be a private entity such as a corporation, a family, or a local government. **State duty bearers** – those duty bearers in the process of child protection and care which are part of the public administration and directly linked to it (regional, national and local authorities) as well as parliaments who are the legitimate representatives of societies.

⁷ adapted from "Child Rights Situation Analysis", Save the Children Sweden, 31 July 2008



stakeholder	responsibilities in the protection and care of children in the target group or	Motivation/willingness	Authority	Resources
Immediate caregiver, e.g. parents		Does the duty-bearer accept his/her responsibility? If not, why not?	Does the duty-bearer have the authority to carry out his/her role? If not, why not?	Does the duty-bearer have the knowledge, skills, organisational, human + material resources? If not, what is missing?
Community, e.g. village leader, religious leader				
Private sector, e.g. multinational company				
Civil society				
Local government, e.g. teachers, health workers				
National government, e.g. Governmental Body for Child Protection, Ministry of Education, Social Affaires, etc.				
International community, e.g. UN agencies, international Governmental development agencies, International Corporate donors				

7.5. What are the main strategies of the state duty bearers related to the protection and care of children in the target group? Please refer to following areas of state duty bearers responsibilities as described in the UN Guidelines for the Alternative Care of Children⁸:

- Preventing the need for alternative care (including promoting parental care, preventing family separation and promoting family reintegration), Articles 31 to 51
- Ensure availability of a range of alternative care (including assessment, proper care, after care and follow-up support, monitoring as well as the professional training for caregivers), Articles 52 to 135
- Ensure proper care in emergency situations (including prevention of separation, proper care arrangements and tracing and family reintegration), Articles 152 to 166

7.6. Analysis of the relevant regional and national strategies and policy documents:

- Is there a comprehensive national strategy to ensure the respect and practice of the rights of the child as set in the UN Convention related to the social system, services delivery, DI, child care/protection, children and young people, family support, demographic development?
- If there is a strategy, what are the gaps i.e. lack of mechanisms etc. If there is no strategy in place, what are the consultant recommendations for future advocacy actions.
- How priorities are settled concerning the target?

⁸ <https://intranet.sos-kd.org/areasofwork/PD/Content/Crosscutting/UN-Guidelines/Documents/SOSpublication-Guidelines-AlternativeCare.pdf>



- Are local authorities (any kind of decentralized authorities) and regions entitled to develop their own local and regional policies and strategies within the social welfare field?
- If “yes”, please describe how much they are different from the national documents and how much they can set up different framework rules/agenda?
- If there are such strategies how they are implemented in practice?
- Are local and central authorities recognizing the role of CSOs in the child care and the importance of establishment of public-private partnership in the field?

7.7. What are the government’s priorities in social welfare and implementation of child rights:

- What are the various types of services defined in legislation and strategies?
- What services are needed in the field of child care and protection?
- Are social care services for children separated from services for adults?
- What is the share of institutionalized care for children in the particular country as a % from all child care services?
- In case the institutional care is prevailing, are there measures and plan for de-institutionalization?
- What are the existing types of community based services and protection services for children?
- Which services are funded by government subsidies?
- What is the share of services funded by government subsidies and by different private entities and donors in the field of child care and protection?
- What is the role of NGOs in the child care and social welfare: in what conditions they can acquire the status “service provider”, what services they can provide – public funded, private (for fee), being a donor, implementing projects or other?

7.8. What social interventions are already covered by government funding in your country (if possible give amounts or % of gov. budget for this interventions)

- Analysis of the government budget, what is the % going to social sphere:
 - a) What is the amount or % of the state budget going to social sphere?
 - b) Is the budget for the social sphere separated from the budget for education and health?
 - c) How is organized the expenditure of the budget allocated for the social sphere?
- Describe governmental budget going to social sphere between different directions (for child support, family support, youth support, education, health, other)

7.9. Analysis of governmental funding channels in the country:

- Social services delivery system:
 - a) What are the sources of the budget allocated for the social sphere?
 - b) Who is entitled to decide about how much, who is entitled to distribute them?

- Mechanisms and models for governmental subsidies

Please give comments for any of the mentioned models, existing in the particular national legal system, providing information on: how it is regulated – particular mechanism and for what types of services and providers is relevant:

- a) public procurement;
- b) special procedures – social contracting;
- c) directs subsidies;
- d) grants,
- e) personal budgets, vouchers;
- f) social entrepreneurship;
- g) others.

7.10. Advocacy through partnerships and networking:

- Are there any initiatives for cooperation between the state duty bearers and the NGOs related to the protection and care of children? (e.g. are there any NGOs working groups/coalitions accepted in developing and implementing the child protection and care policy, etc)
- What kinds (not only concerning our target group) of advocacy activities are lead in the country?
- Are NGOs recognized as partners in the country?
- Are there any restrictions for NGOs to provide services, carry out particular activities or receiving funding from abroad?
- Is there an option in the legislation be established partnerships (any kind) between state and NGOs? If “yes”, please give more details?
- What is the relationship between NGOs in the country?
- Is there fare base for establishment of NGO - NGO partnerships?
- What kinds of networks are established in the country?
- What are the opportunities and barriers for new networking and partnerships?



8. SOS Children’s Villages registration and operation framework

- Type of registration of SOS in the country (please list any restrictions, administrative burdens, etc. for registering or operating CSO in the country);
- Alignment of SOS activities with the state priorities;
- Legal gaps relevant for SOS for delivering services in child care system and preventative services ;
- Existence of NGO networks and advocacy groups;
- Main challenges affection NGO operation (legal, political, image and public attitude, etc.).

9. Concluding comments and recommendations for SOS Children’s Villages and relevant stakeholders in the country

- 9.1. Are there some particular groups of children, young people, families and communities who are in greater need for support?
- 9.2. What are the regions in the country (e.g. province, municipality) where child rights violations within our target group are the most severe and need for intervention is the highest?
- 9.3. What are the key priorities for the improvement of the child care and protection system in the country? Out of these, indicate priorities which are specific for the groups and the regions mentioned.
- 9.4. What are the types of intervention and which additional services are required in the country for children in our target group to grow up in a caring family environment? Please fill in the table below:

Type of interventions and additional services (e.g. legislation, cooperation, creation of structures and monitoring systems, allocate resources, direct intervention services, etc.)	Duty bearers which bear the main responsibility for the services	Regions (e.g. province, municipality) where services are most needed, respective groups of children, young people and families who are at greater need for such services

- 9.5. Recommendations⁹ for priority actions to be taken by the SOS Children’s Villages organisation in the country for the identified most vulnerable groups and regions (e.g. province, municipality). Indicate the range and scope of programmes that should be developed and/or realigned.
- 9.6. Please give specific recommendations how to ensure better partnership between NGO and authorities in planning, delivering and monitoring child care system.

10. Bibliography

Complete list of resources and references: Author, Title, Place of publication, Publisher, Date of Publication, pager number(s)

11. Annex

Please enclose any relevant documents to the report.

⁹ These preliminary recommendations are to be formulated by the analysis team, through direct consultation with the management of the National Association. They should refer to all types of programme intervention: direct services, capacity building and advocacy. The recommendations are meant to serve the national planning process and as such might need to be followed by additional analysis (e.g. feasibility studies, etc.)