TERMS OF REFERENCE
UNICEF CROATIA

Programme/Project Title:	Strengthening justice system in matters involving child victims and witnesses in criminal proceedings
Consultancy/Services Title:	Formative evaluation
Reference:	PRIME 2016
Consultancy Mode:	National ☒ International ☒
Type of Contract :	Consultant ☒ Individual Contractor ☐ Institutional ☒
Mode of Selection :	Competitive ☒ Single Source ☐
Duration of Contract :	From: September 2016 – May 2017

1. Background

1.1. Economic, social and political country context

According to the 2011 Census data (Croatian Bureau of Statistics), the **population** of Croatia is 4 284 889 people, of which 48.2 % are men and 51.8 % are women. There is 896 605 children and youth in the age group from 0 to19 years old.

Croatia became a member of the European Union in 2013 and as a country has a strong policy framework for the protection and fulfilment of child rights. In addition to the highly developed strategic frameworks and legislation, Croatia has institutionalized an important mechanism for monitoring and promoting child rights in the form of the Ombudsperson for Children.

Croatia is a high-income country with GNI per capita in 2014 was $13,020 which is slightly above the line for high income countries of $12,736. The global economic crisis contributed to the negative gross domestic product growth (GDP) and triggered a six years long recession (lasting from 2009 to 2014). This was reflected in the labour market and increased unemployment and insolvency rates, which translated into increased vulnerabilities for children in households with low work intensity. Modest recovery from the recession started in 2015. However, the country is still facing high public debt, reaching 86 per cent of GDP in 2015. The crisis had a negative impact on the well-being of children and widened the equity gaps. Registered unemployment rate has seen slight decrease to 17.9% in January 2016 (compared to 20.3% in January 2015). At risk-of-poverty rate for the total population in the Republic of Croatia was 19.4% in 2014. In Croatia, (in EU28 at risk-of-poverty rate was 16.7 %). According to the Eurostat data for 2014, in the EU27, 27.8% of population under the age of 18 were categorised as children at risk of poverty or social exclusion, while in Croatia this figure increases to 29%. Additional challenges include aging population and declining birth rates.

The Croatia's judicial system involving children in order to provide appropriate protection of child victims and witnesses rights is affected by the economic crisis as well. The courts are dealing with the insufficient number of specialized non-legal professionals whose expertise is now being shared between courts (e.g. County Courts offer their non- legal professional to the Municipal Courts) and some courts still cannot afford a full time non-legal professional. Furthermore, additional funds are required to provide specialised trainings for all professionals working with children victims and witnesses within the judicial system to

ensure standardised procedures in the "best interest of the child". In addition, the lack of funds is reflected in inappropriate technical equipment used for interviewing a child, including the inappropriate interview room set up. However, awareness on the importance of child-sensitive environment results in continuous efforts of court officials to ensure the most appropriate approach and environment in order to protect children victims and witnesses rights.

In June 2016, Croatia's parliament has voted to oust Prime Minister who took office earlier that year, triggering the fall of the government. Technical government will be in place until either new Government is formed or new elections are held. This is likely to slow down new initiatives and agreements involving government partners.

1.2. Key national policies, laws and international recommendations on justice for children

Prior to the accession to the EU, Croatia has made considerable progress in the ongoing reforms of the country's judicial system and developed a good national legislation that corresponds to the relevant international standards.

In the Croatian legal framework the rights of the child victim and/or witness are regulated by the Criminal Procedure Act1, Criminal Code2, Misdemeanour Act3, Juvenile Courts Act4 and various implementing regulations (ordinances) derived from them. These laws are in line with international conventions on human rights, children's rights, recommendations by the Council of Europe and the European directives. Although laws and many of the legal provisions are aligned with the UN common approach to justice for children, in practice the legal and court procedures and available assistance to children have not been fully adopted to their needs.

In 2014, the Government of Croatia adopted a comprehensive National Strategy for Child Rights 2014 – 2020 (NSCR)[5], defining core national priorities for the systemic advancement of child rights in Croatia. NSCR is particularly focused on improving systems and ensuring child-friendly services in various important areas of the child's life, including the justice system, eliminating all forms of violence against children, guaranteeing the rights of children in vulnerable situation and ensuring active participation of children.

Significant progress in a number of child rights areas in Croatia was noted by the Committee on the Rights of the Child in its 2014 Concluding Observations on the combined third and fourth periodic reports of Croatia[6]. Whilst welcoming the achieved progress, the Committee also identified a number of areas that require improvement and expressed concern, inter alia, over the situation of disadvantaged groups of children in Croatia, especially highlighting children entering justice system. In spite of Croatia's child

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[1] The Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13)
[2] The Criminal Code (Official Gazette, No. 125/11, 144/12)
[3] The Misdemeanour Act (Official Gazette, No. 107/07, 39/13, 157/13)
[4] The Juvenile Courts Act (Official Gazette, No. 84/11, 143/12, 148/13)
5 National Strategy for children 2014 – 2020, available at. http://www.mspm.hr/content/download/13185/98285/file/Nacionalna%20strategija%20za%20prava%20djece%20u%20RH%20od%202014.%20do%202020.%20godine.pdf (accessed on 15th of June 2016).
6 Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Croatia, available at: http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsp7zGar7ID0FuXla4BEx9U7ftQDq0TPw1CFHNLPEe8G%2FfFTZ010rcpvYIzR2qbB51Nlb19f1Z1nUbN1ZkNCIN89jPGKrfbBi%2BAXB7aQiE313 (accessed on 15th of June 2016).

rights orientation and the effort invested so far, the Committee also noted a discrepancy between the established policy framework and its implementation in practice. In the Concluding Observations it noted that 'children's best interests are not adequately taken as a primary consideration in all matters that affect them and this right should be appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies and programmes relevant to and having an impact on children'. The Committee expressed their concern due to frequent incidents of re-victimization of children in judicial proceedings, inadequate support systems for victims and lack of quality training of those working with and for children with the aim of preventing re-victimization (police personnel, justice and other professionals) and assuring adequate training of those involved in the administration of justice involving children.

Likewise, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010) emphasise the importance of promoting child-friendly actions by ensuring that all concerned professionals working in contact with children in justice systems receive appropriate support and training, and practical guidance in order to guarantee and implement adequately the rights of children, in particular while assessing children's best interests in all types of procedures involving or affecting them.

1.3. Key issues and inequities in justice in matters involving child victims and witnesses

In Croatia, approximately 5,000 children enter the justice system as victims and/or witnesses of crime on a yearly basis according to the Ombudsman for Children[7]. In 2015, according to the statistical report from the Ministry of Interior Affairs, 4,504 children were victims of crimes, often perpetrated by those closest to them (by family members within the family environment). Out of that number, 590 children were victims of sexual violence and exploitation. More reliable data on number of children interviewed at courts or in pre-trial criminal investigation is not available.

Annual reports[8] published by Ombudsman for Children continuously provide a list of recommendations related to improvement of protection of child victims and witnesses rights. A key barrier in the functioning of the justice system and the serious obstacles for implementation of new legislations and procedures, is a lack of cross-sectorial cooperation and the multidisciplinary approach. Child-sensitive, effective and efficient processes are not guaranteed, and in fact, they often lead to rights violations and secondary traumatization and victimization of children.

Criminal proceedings involving children should be guided by the "best interest of the child" principle. Child should be treated with dignity and compassion, protected from discrimination and irrespective of his/her age child should be treated as a capable witness and his or her testimony should not be deemed invalid or untrustworthy by reason of his/her age. Child victims and witnesses, their parents or guardians, should be adequately informed of available relevant services, support mechanisms, judicial procedures and their rights. Child should be protected from hardships during justice processes through effective assistance, guaranteed expeditiousness of the proceeding and child friendly procedures.

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[7] Annual report of Ombudsman for Children for 2014, available at: http://www.dijete.hr/websites/dijete.hr/index.php/hr/preporuke-pravobraniteljice-mainmenu-81/djeca-s-tekoa-u-razvoju-mainmenu-85/doc_download/462-izvjec-o-radu-pravobraniteljice-za-djecu-za-2014-godinu.html (accessed on 15th of June 2016).

[8] Annual reports available at http://www.dijete.hr/index.php?option=com_joomdoc&task=cat_view&gid=946&Itemid=85 (accessed on 14th of June 2016).

Unfortunately, child victims and witnesses in Croatia still lack adequate protection. According to the Croatian law children's cases should be handled by specialized professionals. The police employs police officers for youth, at the court level there are youth judges and non-legal child professionals (social pedagogues and social workers), and the public prosecutor's offices employ non-legal child professionals (social pedagogues and social workers) as well as specialized defence lawyers. However, the level of knowledge and skills varies greatly due to the lack of comprehensive and continuous training. Croatian law stipulates that the child and family should be informed of their rights in the justice process and where to seek support but the legal practice is varied. Although, children's cases should be prioritized with applicable deadlines and restricted trial timelines, in practice cases can last a long time, due to filling of complaints, retrials and other issues. Direct contact between the child victims and witnesses and the accused should be prevented and video-conferencing links should be used to interview child. In criminal cases children almost always have court interviews in a separate interviewing room that is connected with courtroom through video link, although legally they could also be interviewed at another safe place (for example their home). Given that currently not all of the criminal courts have separate entrances for children, consorted efforts should be made to schedule interview with a child in such a way to prevent contact with the accused. It is important to note that similar legal provisions also apply to the misdemeanour courts, however in practice these courts have a severe lack of needed staff, equipment and training to protect child victims and witnesses.

According to the Criminal Proceeding Act children should not be questioned more than once, exceptionally twice at criminal courts. However, in practice this stipulation is not fully enforced. Criminal courts employ a non-legal child professionals whose responsibility is to provide assistance to child victims and witnesses by preparing them for the court interview. Some of the courts have victim support services that are not specifically tailored to child needs and are not involved in cases involving child victims and witnesses. However, they may provide some assistance to parents/legal guardians, but are not available during the entire justice process. According to the law children have a right to be accompanied by person of their choice whom they trust during judicial procedures, however it is not clear how often children are actually exercising this right. Social, psychological, medical and other support services are available only in largest cities/municipalities while in rural areas there is a significant lack of services and support mechanisms. Before a case appears at the court, during the investigation phase, the police staff speaks about the allegation violation directly with the child quite often. Sometimes school personal, doctors and other professionals question the child and a child may also have a forensic interview, all this unfortunately leaves the child with a sense that he or she had to re-tell the story many times. It is important to assure education and specialization of all participants in procedures involving children, licensure, immediate and fast procedures and timely support for the child victims and witnesses in order to mitigate harmful consequences resulting from the perpetrated criminal offense. Child friendly approach and procedures should be equally implemented in all justice institutions, no matter on their size and financial capacity, to prevent inequities and discrimination of child victims and witnesses based on their origin/place of living.

Furthermore, strong efforts should be invested in addressing inequalities of children victims and witness belonging to vulnerable groups of children, such as children with disabilities and Roma children, who may be confronted with communication barriers or architectonic barriers which is very relevant obstacle for children with disabilities. Moreover, children with intellectual difficulties are sometimes considered as non-reliable witnesses due to the inappropriate interview approach and weak capacities of the professionals

of involved judicial experts. Particular attention should be put on children whose families are facing poverty since one can expect weak parent's financial capacity to ensure access to professional psycho-social support for their child which is not available in non-urban parts of Croatia.

The awareness about gender issues among justice professionals is very limited. Their understanding of the importance of gender sensitive approach with child victims and witnesses needs to be developed. The lack of disaggregated data by gender in field of justice reflects the systemic lack of importance given to the gender sensitive approach. Stereotyping along gender lanes is still taking place, mostly in subtle ways, resulting in judgement and biased treatment. Furthermore, the staffing structures currently do not allow gender considerations, which in some cases can be critical and concerning to the child victim and witness and affect judicial processes.

2. Description of the programmatic activity to be evaluated: "Strengthening justice system in matters involving child victims and witnesses in criminal proceedings"

Within the programme component "Alliances for equity and social inclusion of most vulnerable children" and according to Country Programme Action Plan 2012 – 2016 UNICEF CO is supporting Government's efforts in improving justice system in matters involving child victims and witnesses in criminal proceedings. Special attention is given to the most vulnerable groups of children, including those who are victims and witnesses of crimes. Due to limitations in terms of funding and human resources, UNICEF CO decided not to conduct a comprehensive assessment of the training needs of justice professionals but to rely on evidence collected in Situation Analysis of Children in Croatia[9], insights gathered through consultations with stakeholders, partners and experts involved in this area, and careful planning, ongoing assessment during the implementation of programmatic activities.

The rational for choosing to strengthen justice system in matters involving child victims and witnesses in criminal proceeding was based on identification of this area as a priority for the Ministry of Justice, Ombudsman for Children and other child/justice professionals, and a premise that positive changes and progress would be possible within existing Country Programme 2012 – 2016. The objectives of cooperation and UNICEF's technical assistance to the Ministry of Justice have been agreed in 2013, and cooperation was formalized in Biannual Work Plans and Letter of Agreement between UNICEF and Ministry of Justice. Key objective is to support Government's efforts in realization of child rights and protection of child's best interest in criminal proceedings. This includes protecting the child from secondary victimization and hardship while involved in the justice process as victim or witness, and furthermore enhancing the child's capacity to contribute to that process, giving the best interests of the child primary consideration and safeguarding rights outlined in the Convention on the Rights of the Child. A key barrier and a serious obstacle in the functioning of the justice system is a lack of cross-sectorial cooperation and the multidisciplinary approach. This is particularly relevant during the investigative process in matters involving children victims and witnesses of crimes, when different sectors (including, police, social welfare system, health care providers) are involved. Within this specific programmatic activity, the focus was primarily on developing the multidisciplinary approach within the judicial sector, while in future particular attention should be given to enhancing the cross-sectoral cooperation (police, social welfare, health, etc.).

[9] Situation Analysis of Children in Croatia. UNICEF, 2011. Available at: http://www.unicef.hr/wpcontent/uploads/2015/09/Analiza_stanja_prava_djece_i_zena.pdf (accessed on 20th May 2016).

The supply component of the system was hindered by limited access and availability of adequately staffed services and budget constraints due to continuous financial crisis. In terms of access and quality of services the following bottlenecks were identified: significant lack of Justice for Children training curricula, lack of non-legal child specialists and outdated equipment for interviewing child victims and witnesses at courts, as well as lack of Justice for Children specialization for justice professionals in general. UNICEF Office for Croatia has been a strong advocate of justice for children regarding these issues and has supported the efforts of the line ministry and provided technical assistance.

Key efforts have focused on strengthening three main areas outlined below:

a) **Strengthening capacities of justice system to apply child-friendly procedures in matters involving child victims and witnesses in criminal proceeding by:**
   - developing comprehensive training on child-friendly procedures and interviews;
   - conducting training for justice professionals (judges, state attorneys, non-legal child professionals working at courts) with the aim of preventing hardship during justice process and re-victimization;
   - providing technical assistance in improving mechanisms adapted to the needs and rights of children during the investigative process;
   - developing and publishing needed written materials (listed under 2.1).

b) **Equipping courts with necessary audio-visual (video-conferencing) technical equipment for interviewing child victims and witnesses:**
   - 10 courts with largest caseloads were selected (8 county courts and 2 municipal courts) covering more than 70% of all cases involving children victims and witnesses.

c) **Advocating for sustainability**
   - advocating for increasing number of court staff (non-legal child professionals) and including training as a part of regular curricula of Judicial Academy.

2.1. Strengthening capacities of justice system to apply child-friendly procedures in matters involving child victims and witnesses in criminal proceedings

In order to improve uneven court practices it become apparent that there is a need for multidisciplinary education (contained in both content of the training, and multidisciplinary training participants/teams) on the ways to appropriately communicate and conduct the investigative interviews with child victims and witnesses for justice professionals, in particular judges, state attorneys' and non-legal child professionals. The investigative judge play a critical role in deciding how the interview will be conducted and what questions will be allowed during the interview, while the non-legal child professionals communicate directly with child victims and witnesses. Special considerations must be given to children with disabilities, children from ethnic minority groups, children from socio-economically deprived families, and other vulnerable groups of child victims/witnesses.

In partnership with Ministry of Justice, State Attorney's Office and with the assistance of international and national justice experts, a comprehensive training on child-friendly procedures and interviews in criminal justice proceedings was developed. The training brought theoretical, as well as, practical knowledge and experiences to help justice professionals learn and practice new knowledge and skills and increase their

capacity to carry out interviews in a child sensitive, developmentally appropriate way and prevent secondary traumatization of child victims and witnesses. UNICEF CO in partnership with the Ministry of Justice and Judicial Academy carried out educations for more than 150 judicial professionals from 31 criminal courts and 26 state attorney's offices (prosecutors) in the country, increasing their capacity to conduct quality interviews with child victims and witnesses by using multidisciplinary approach focused on the best interest of the child. The focus was on improving mechanisms and tools during interviews so that they reflect the needs and rights of children such as necessary preparation for the interview, developmental needs of children, protocols for conducting forensic interview, etc. Some parts of trainings were designed specifically to examine and address gender and diversity issues.

UNICEF has published written materials designed to answer challenging questions that professionals as well as children and their parents/legal guardians have as they enter criminal proceedings. Croatian edition of the handbook for professionals and policymakers on Justice in Matters Involving Child Victims and Witnesses of Crime was published and distributed to the justice professionals. The guide for professionals working with child victims and witnesses of crimes and brochures for children and their parents/guardians have been developed taking into account developmental and gender dimensions. They were published in 2016 and widely distributed.

2.2. Equipping courts with necessary audio-visual (video-conferencing) technical equipment for interviewing child victims and witnesses

In order to achieve this goal UNICEF undertook assessment of needs for audio-visual (video-conferencing) technical equipment at criminal courts in the country. Eight major county courts (Zagreb, Split, Osijek, Rijeka, Bjelovar, Sisak, Varaždin and Velika Gorica) and two biggest municipal courts (Zagreb and Split) that serve approximately 70% of all child victims and witnesses in the country were selected to receive new audio-visual equipment. After piloting the equipment at two county courts to assess the functionality of the equipment, all 10 above named courts have received necessary audio-visual equipment for interviewing child victims and witnesses, and are currently using equipment. Equipment is enabling recording of hearing sessions (interviews) with children, thus preventing unnecessary additional interviews with children victims and witnesses.

2.3. Advocating for sustainability

Aligned with capacity building efforts and due to active advocacy of UNICEF CO and justice professionals, Ministry of Justice hired additional staff at courts – (non-legal) child professionals, which contributed to strengthening professional support for child victims and witnesses that can now access assistance of non-legal child professionals' at all county criminal courts. Additional advocacy efforts were focused on including this training into regular educational curricula/program of Judicial Academy.

2.4. Key stakeholders and partners

The development and implementation of the programmatic activity to strengthen justice system in matters involving child victims and witnesses in criminal proceedings was done in close consultation and collaboration with Ministry of Justice, State Attorney's Office, Judicial Academy, international and national experts and professionals (international expert/consultant, multidisciplinary national team of

experts/trainers, and other professionals from the municipality and county courts). Additionally, Ombudsman for Children was consulted in developing training concept.

Key stakeholders/partners, their roles and financial contributions:

UNICEF	Development of the training package in cooperation with international and national justice for children experts. Coordination and providing technical support in organising trainings. Equipping 10 courts with necessary audio-visual equipment. Developing, publishing and disseminating publications. Providing technical guidance to the MoJ, including; knowledge sharing; covering financial cost for consultants; technical and financial support for developing training materials and publications; technical and financial support for audio-visual equipment; provision of a platform for dialogue among relevant stakeholders, and related communication activities.
Ministry of Justice	Active participation in prioritizing issues and planning all programmatic activities. Providing necessary data and information relevant for program planning and implementation. Issuing joint certificates to training participants. Assistance with developing technical specification for the audio-visual equipment. Leadership roles and active support were to be assumed by the line ministries. Financial contribution included covering staff cost of appointed representatives of MoJ who worked closely with UNICEF team. Additional in kind contributions through distribution of handbooks and covering postal costs.
Judicial Academy	Co-organizer of the trainings. Issuing joint certificates to training participants. Leadership roles and active support to be continued in licensing and carrying out permanent training of judicial professionals. Financial contribution included covering staff cost of appointed representative of JA who worked closely with UNICEF team, staff cost for experts/trainers, logistic costs for implementing trainings and issuing certificates.
International justice experts, UNICEF consultant	Supporting development of the programme and training materials. Providing technical assistance in developing specialized training for justice professionals (including judges, state attorneys/prosecutors and others). Providing technical assistance and support to national team of experts/trainers with developing training materials, making adjustments based on their experience and the evaluation of the training based on participants' feedback. Ensuring high quality and compliance with the highest professional J4C standards and CRC.
National justice experts, UNICEF consultants	Development of training package and implementation of training activities.

County and municipal courts	Enabling capacity building of professionals and exchange of knowledge and experiences through active training participation. Enabling installation and appropriate use of audio-visual equipment. Covering travel costs and DSA for their staff while attending trainings.
State Attorney's Office	Enabling capacity building of professionals and exchange of knowledge and experiences through active training participation. Covering travel costs and DSA for their staff while attending trainings.

The financial contribution of UNICEF from 2014 until now is calculated at $ 345,898.00 USD. The other partners have made modest financial contribution such as, covering the costs of staff time and the associated travel costs during trainings (by county and municipal courts as well as state attorney offices). The exact amount and share of their in-kind contribution has not been explicitly expressed, but could be further assessed and discussed with partners during the evaluation process. General narrative overview of financial contribution of partners is described in table above.

This programmatic activity does not have explicit results framework or specific document describing theory of change and respective indicators/targets that would allow to discuss clearly defined results of the programme activities. Therefore, an evaluator will be asked to support UNICEF team in reconstructing *Theory of Change* in the evaluation field preparation phase.

3. Evaluation purpose and objective

In order to corroborate results achieved by programmatic activity and to ensure recommendations for further improvements and sustainability, UNICEF will conduct a formative evaluation of the programmatic activity proposed by Terms of Reference (TOR).

The purpose of this formative evaluation is to primarily review and assess the relevance, efficiency, effectiveness, sustainability and impact to the extent possible, of the implemented Government of Croatia and UNICEF's Justice for Children program focusing on strengthening justice system in matters involving child victims and witnesses in criminal proceedings.

The evaluation is undertaken at this specific point of time because of the end of UNICEF supported country programme for 2012 – 2016 agreed with the Government of Croatia, and it will identify and document lessons learned and UNICEF contribution so far in the application of international norms and standards in judicial practice in matters involving child victims and witnesses. However, as agreed with the Government of Croatia, UNICEF CO will continue to support strengthening national capacities for the full realisation of the child victims and witnesses' rights within judicial system in the next Programme Cycle. Therefore, evaluation will ensure recommendations to guide Government's and UNICEF's justice for children efforts in the period 2017-2021. This, if required, includes adjustments of the current joint programme activities approach.

Evaluation results and recommendations will inform key decision makers, such as Ministry of Justice, State Attorney's Office, Judicial Academy, Ombudsman for Children and other relevant public institutions,

NGOs and experts. The results will also be shared with media and donors in order to increase an understanding of the importance of child friendly justice and strengthen advocacy efforts.

The knowledge generated by the evaluation should be used by:

- the MoJ as an important source of information for the further policy work and programming in the area of justice for children and access to justice;
- Ombudspersons to further strengthen their monitoring and advocacy efforts;
- UNICEF - for future programing and support to advancing the rights of children when they come into contact with the justice system or related systems.

3.1. The specific objectives of this evaluation are to:

1. Provide evidence on the achieved programme results and answer whether undertaken activities were relevant, efficient and effective against each programme objective:
   a. to strengthen capacities of the judicial professionals working with children victims and witnesses of crimes;
   b. to improve judicial procedures to become more child-friendly and assure its sustainability;
   c. to equip courts with needed audio-visual equipment, that enables recording interviews and prevent secondary victimization.
2. Provide recommendations for program improvements and future steps in next Country Programme Document (2017 – 2021).

The key evaluation questions grouped by the evaluation criteria are suggested as follows:

Relevance	• To what extent are programmatic activities aligned with the government policy priorities regarding child-friendly justice/justice for children? • Are these programmatic activities relevant to the actual needs of the child victims and witnesses and professionals who work with them? • Did programme planning include consulting with other UNICEF Country Offices and/or international practices? • Do undertaken activities consider gender and equity dimensions in capacity development of professionals?
Effectiveness	• To what extent were objectives of the programmatic activities achieved? • What were the internal factors that influenced achievement or non-achievement of the objectives? • What external factors (e.g. geographical, gender and cultural beliefs and aspects of institutional characteristics) affected the effectiveness of programmatic activities? • Was an appropriate combination of approaches used in the implementation of the programmatic activities?

Efficiency	• To what extent have UNICEF and other stakeholders made good use of its human, financial and technical resources in implementation of programme activities? • Were key programme activities cost-efficient in regards to the achieved outputs? • How well has the implementation of the activities been managed?
Sustainability	• What are the key factors that have positively or negatively influenced sustainability of programmes? • To what extent has UNICEF been able to support its partners in developing capacities and establishing mechanisms to ensure continuity of activities? • Did programmatic activities include appropriate sustainability strategy?
Impact	• To what extent did programme activities contribute to positive changes in judicial procedures? • To what extent did programme activities contribute to the recognition among decision makers (at both national and local level) and professionals of the need for providing child-friendly services to child victims and witnesses of crimes?

Please note that all evaluation questions need to be reviewed and revised (if/as needed) once the Theory of Change has been reconstructed.

To serve the interest of UNICEF, these criteria should be applied in the framework of UNICEF's Equity-based Approach[10] and Human Rights Based Approach.

4. Scope of the evaluation and limitations

The evaluation covers the period from 2014 to present, during which the Government and UNICEF jointly contributed by developing and implementing this programmatic activity.
Geographical scope is throughout Croatia.

Identified evaluation limitations are as follows:

- Limited availability of disaggregated data/information on children involved in justice procedures as victims and/or witnesses

One of the major limitations of this evaluation refers to the lack of disaggregated data (gender, age, socioeconomic status, etc.) on children involved in justice procedures as victims and witnesses. However, to the extent possible, this can be mitigated by conducting in-depth interviews and/or focus group discussions with key informants and data providers who can provide sufficient insight information that will serve to indicate estimates of missing data.

- Children witnesses and victims of crime and their parents/caregivers are not expected to be involved in the evaluation process

[10] *Please see guidelines at* http://mymande.org/content/how-design-and-manage-equity-focused-evaluations

This evaluation will not involve children witnesses and victims of crimes and their parents/caregivers directly, given the sensitivity of the issue and in order to avoid possible secondary victimization. Instead, opinions and information will be sought out from professionals helping them.

- No documented/explicit results frameworks

Another limitation is that there are no documented/explicit results frameworks or specific documents with theory of change and respective indicators/targets that limits the analysis and discussions about process and results of the programme activities. Therefore, evaluators are expected to support UNICEF team in reconstructing Theory of Change during the evaluation field preparation phase.

- Difficult access to some of the relevant informants

Due to the changes within the Government structure, some relevant stakeholders who participated in development of programme activities might not be in position to inform the evaluation process. However, UNICEF team and current Ministry's officials will support the evaluation team as much as possible to reconstruct the process.

Please note that all mitigation strategies suggested above will be further discussed and agreed upon with the evaluation team within the inception phase.

5. Sources of information

- Description of services provided by international and national experts/consultants (Terms of References)
- Annual Work Plans
- National Strategy for Children (2014 – 2020)
- Annual reports of the Ombudsman for Children
- Published materials (Handbook for professionals and policymakers on Justice in Matters Involving Child Victims and Witnesses of Crime, Guide for professionals working with child victims and witnesses of crimes and Brochure(s) for children and their parents/guardians)
- Situation Analysis of Children in Croatia (2012 and 2015)
- Training and workshop materials
- Other programmatic documents and reports (training evaluations, results of pre and post self-assessment of training participants)
- Data/information collected through questionnaires, interviews with key stakeholders and focus groups discussions

All needed documents, together with a list of courts, contact list of key stakeholders (representatives of the MoJ, JA, SAO, justice professionals, national experts, and others) whose views should be taken into consideration, will be provided to the evaluation team once a contractual agreement has been made.

6. Evaluation process and methodology

In this evaluation, mixed method approach will be applied by **combining qualitative and quantitative methods.** The analysis will be built on information collected from variety of stakeholders, including

documentation review. It should critically examine the information gathered from the various sources, and synthesize the information in an objective manner. If contradictory information is obtained from different stakeholders, an effort should be made to understand the reasons for such information, including any gender-based differences.

The evaluation process should start with the in-depth desk review of available related documentation that will be mainly provided by UNICEF. Evaluation key questions will be assessed through focus group discussions, semi-structured interviews, comprehensive review of documents as well as synthesis and analysis of data/information. Wherever monitoring systems will not be able to bring enough evidence (e.g. limited gender/equity focus), the assessment will be based on stakeholders' perceptions. The evaluation results will be validated with national partners and key stakeholders.

A detailed design and methodology with relevant and high-quality tools for information/data collection and analysis is expected to be developed by evaluation team within the inception phase. Approval of the UNICEF team is required prior to implementation. All materials should be gender-competent in language and presentation.

Interviewers/facilitators utilized by the Evaluator must have relevant qualifications and be adequately trained/consulted prior to fieldwork (including gender-competency knowledge). Prior to fieldwork the Evaluator will be responsible for pre-testing some of the instruments to be utilized.

Key stakeholders and informants for this evaluation will be identified within the inception phase. The evaluation should follow the evaluation criteria mentioned above as well as evaluation questions with appropriate additions to cover the scope of the evaluation. The approach should be participatory, gender and human rights responsive with a special focus on equity aspects.
UNICEF and line ministry will ensure access to courts and state attorney's office.

The evaluation will follow the principles of the UN Evaluation Group's norms and standards in particular with regard to independence, objectiveness, impartiality and inclusiveness and will be guided by the UN ethics guidance[11] as guiding principle to ensure quality of evaluation process, especially apropos conflict of interest, confidentiality of individual informants, sensitive to beliefs, manners and customs, discrimination and gender equality, to address issues of vulnerable population, particularly families with children that are disadvantaged and excluded.

7. Major tasks to be accomplished and key deliverables

Table below shows a preliminary evaluation schedule that may be subject to change during the process in agreement with UNICEF.

[11] *Please see guidlines at* http://www.unevaluation.org/document/detail/102

Description	Responsible	Expected Timeline
Evaluation – inception phase		
Desk review of reference material • UNICEF team will support compilation of a list of the most important background material, documents, and reports.	Evaluation team, UNICEF team and implementing partners	15th September–15th October 2016
Developing work plan and methodology • The set of evaluation questions will be finalized, and the instruments developed. • In cooperation with the UNICEF team, efforts will be made to reconstruct a suitable basis for assessment (theory of change) to guide the evaluation. • Field work schedule and approach will be developed.	Evaluation team	
Submitting Inception report[12] (up to 50 pages) • Evaluation work plan with timeline, methodological approach, finalised set of evaluation questions, instruments to be used, annotated outline of final report, etc.	Evaluation team	15th October 2016
Approving Inception report • Inception report to be reviewed and approved	UNICEF team and external reviewers	31st October 2016
Evaluation – implementation		
Data collection and analysis • Collection of evaluation data (primary and secondary) is expected to be carried out through different techniques, including desk-reviews, in-depth, informal and semi-structured interviews. • The analysis will be based on detailed protocols/transcripts of interviews and focus groups.	Evaluation team	1st of November 2016 – 31st December 2016
Debriefing meeting • Debriefing meeting will be organized to showcase the preliminary findings, testing elements for conclusions and tentative recommendations.	Evaluation team	
Evaluation – reporting		
• Development of the 1st evaluation draft report	Evaluation team	31st January 2017
• Consolidated comments by UNICEF	UNICEF team	15th February 2017
• Development of the 2nd evaluation draft report	Evaluation team	28th February 2017

[12] The inception phase will clarify the methodology and approach to be taken for this evaluation; depending on this there might be some changes to the contract initaited with the evaluation team.

• Review by UNICEF and external experts	UNICEF CO and RO team (and external experts)	30th April 2017
• Submission of the Final Evaluation Report	Evaluation team	30th April 2017
• Development of: (a) an Evaluation Summary with findings and recommendations from the main report (b) a Power Point Presentation of the evaluation report	Evaluation team	30th April 2017
Use of evaluation findings:		
Presentation • Presentation of key findings of the evaluation to UNICEF Croatia team, major stakeholders and partners	Evaluation team	31st May 2017
Dissemination • Dissemination of evaluation report/key report findings (to key stakeholders and partners, Regional Office, media and donors).	UNICEF team	31st May 2017
Follow-up • Management response	UNICEF management	30th June 2017

The evaluation team is expected to produce and submit the following deliverables:

- Inception report (including evaluation work plan, presentation of methodological approach, instruments to be used, annotated outline of final report described in the next paragraph), to be presented and approved by UNICEF and implementing partners by 1st of October 2016;
- 1st draft evaluation report (draft findings, conclusions and recommendations from all data sources used in the evaluation) by 15th of February 2017;
- 2nd draft evaluation report by 15th of March 2017;
- Final evaluation report (upon external review) by end of April 2017;
- Evaluation Summary Document and Power Point Presentation summarizing key findings and recommendations from the main report by end of April 2017;
- Final presentation - delivery of Power Point Presentation of the evaluation to stakeholders by end of May 2017.

Please note that Inception report, draft reports and final evaluation report shall be submitted in English while an evaluation summary document and a Power Point Presentation shall be submitted both, in English and in Croatian.

Final report (approximately 50-70 pages) should contain following chapters and be aligned with the UNICEF- - Adapted UNEG Evaluation Reports Standards[13] and the Global Evaluation Reports Oversight System[14]:

- Title page and opening pages
- Executive summary
- Program description (including the logic of the project design and/or expected results chain)
- The role of UNICEF and other stakeholders involved
- Purpose of the evaluation
- Evaluation criteria
- Evaluation scope and objectives
- The evaluation design
- Description of methodology
- The stakeholders participation
- Ethical issues
- Findings
- Analysis of results
- Constraints
- Conclusions
- Recommendations
- Lessons learned
- Annexes

8. Accountabilities and reporting

The evaluation leader will lead the evaluation process and the evaluation team (consisted of up to four evaluators) at all stages and coordinate cooperation with UNICEF and other stakeholders involved. The evaluation leader will be responsible for all components of the evaluation including development and implementation of the evaluation methodology and quality assurance of the process of data analysis and report writing. He/she will be responsible for provision of deliverables listed previously on time and of acceptable quality.

The evaluation leader will work in close cooperation with UNICEF Croatia Programme team and will report to UNICEF Child Protection Officer and Social Policy Officer (UNICEF M&E focal point).

The evaluation team should act with integrity and respect for all stakeholders according to UNEG Ethical Guidelines for evaluation. In the report, evaluators should not refer to any personal data obtained during the evaluation. They should not share any findings with media in Croatia or abroad concerning individual children, families or individual institutions.

[13] Available at: https://intranet.unicef.org/epp/evalsite.nsf/0/2BDF97BB3F789849852577E500680BF6/$FILE/UNEG_UNICEF%20Eval%20Report%20Standards.pdf

[14] Available at: http://www.unicef.org/evaluation/files/UNICEF_Global_Evaluation___Report_Oversight_System_aFinal.pdf

At all times it is important communicate to all the participants that the evaluation does not refer to their efforts and that a failure to implement some components of programmes would not be considered their personal failure.

UNICEF staff will review and approve the deliverables and provide relevant documents.

9. Qualification requirements

The evaluation will be conducted by a team of evaluators (team of individuals, company, organisation or agency); consisted of up to four evaluators. If the selected evaluation team is international, it needs to include at least one national expert. The composition of the team should be gender balanced. The evaluation team should be a **multidisciplinary team of experts led by an evaluation leader**, in order to ensure technical expertise at each point of the evaluation.

UNICEF shall approve all members of the team (national and international) upon receipt of individual CVs and work samples for the entire team.

The evaluation leader is required to possess following competencies:

- Advanced university degree in law or social science (certificates in evaluation studies is an asset);
- Extensive experience in designing and conducting evaluations and surveys, quantitative and qualitative analysis and data analysis (minimum of 8 years);
- Excellent knowledge of monitoring and evaluation methodologies; sound judgment and ability to objectively evaluate programmes in terms of processes, as well as results achieved (evidenced through previously conducted evaluations and references);
- Experience in conducting evaluations related to child friendly justice or child protection;
- Proven knowledge on child rights, human rights, gender equality and social inclusion;
- Excellent written and spoken English required if the team leader is an international expert, while excellent written and spoken Croatian and English is required if the team leader is a national expert;
- Excellent communication and presentation skills;
- Excellent skills in working with people and organising team work;
- Excellent analytical report writing skills;
- Excellent conceptual skills;
- Ability to keep with strict deadlines;
- Knowledge of the country context related to justice system is an asset;
- Familiarity with UNICEF's mission and mandate is an asset.

Member(s) of the evaluation team are required to possess following competencies:

- Advanced university degree in law or social science;
- Minimum 3 years of expertise in the area of evaluation and experience in programmes related to justice and child protection;
- Proven knowledge on child rights, human rights, gender equality and social inclusion;
- Proven knowledge of the justice system and child protection system in Croatia;
- Demonstrated ability to prepare interview/focus groups protocols and other evaluation instruments and to work with databases;

- Excellent communication and presentation skills in English for international team members; excellent communication and presentation skills in Croatian and English for national team members;
- Excellent analytical and report writing skills;
- Familiarity with UNICEF's mission and mandate is an asset.

While it is expected and understood that each of the team members has different competencies, **the specific nature of each expertise required should be made explicit in the proposal** and will be further discussed.

The **contractor will be selected based on the following four criteria**: (i) experience in conducting programme and sector evaluations, primarily in the area of justice and child protection, (ii) technical expertise of the members of the evaluation team, (iii) quality of the technical proposal, and (iv) value of the technical proposal (financial offer).

The proposal will be assessed as follows:

1. **Technical components (total of 70%)**
    - Experience in conducting programme and sector evaluations, particularly in the area of justice and child protection – 20%
    - Technical expertise of the members of the evaluation team – 20%
    - Quality of the technical proposal – 30%
2. **Financial component (total of 30%)**
    - Value of the technical proposal (financial offer) – 30%

10. Duty station and official travel involved

All of the field work will take place in Croatia; all official travels will be scheduled, agreed and approved by UNICEF during the Inception phase.

11. Duration

Expected duration of the contract is from 15th of September 2016 to 31st of May 2017.

12. Performance indicators

Criteria for performance are quality of process and delivered products (instruments, reports, etc.), timeliness, accuracy, initiative, responsibility, competence and communication.

13. Estimated cost

All financial costs need to be proposed by the applicant.

International evaluators, please note that travel costs to and from Croatia have to be itemised within the proposed budget.

Costs for travel and accommodation during field work (within Croatia) will be agreed and approved by UNICEF during the inception phase, according to UNICEF policies and procedures.

The evaluation team/company/agency/institution will be paid upon successful completion of assignments and submission of the deliverables in accordance with the following suggested payment schedule:

Stage	Percentage of payment
Upon approval of the inception report	30%
Upon completion of the evaluation and submission of the final evaluation products: final evaluation report, evaluation summary and Power Point Presentation, endorsed by UNICEF.	70%

The final payment schedule will be discussed and defined with selected contractor.

All the original invoices related to the contract (e.g. transportation costs, accommodation, etc.) should be should be kept and submitted to UNICEF for reimbursement itemized and agreed in the inception report.

14. UNICEF recourse in case of unsatisfactory performance

The payments may be reduced if the assignments/deliverables are not fulfilled to the required standard. In case of serious dissatisfaction with the performance of the company the contract may be terminated in line with UNICEF procedures and as spelled out in the institutional contract.

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/outputs are incomplete, not delivered or for failure to meet quality standards and deadlines (fees reduced due to late submission: 20 days 10%; 1 month – 20%; 2 months – 50%; more than 2 months – payment withhold). All materials developed will remain the copyright of UNICEF and UNICEF will be free to adapt and modify them in the future.

Source of funding/PBA reference (date of expiration of the PBA):	
SC 140254	Expiry date: 31/12/2016

Prepared and reviewed by:	Mirjana Bijelić, Programme Associate Martina Tomić Latinac, Child Protection Officer Marijana Šalinović, Social Policy Officer (M&E focal point)
Approved:	Đurđica Ivković, Deputy Head of Office, OIC
Date:	July 6th 2016