**TERMS OF REFERENCE**

**for Individual Consultancy Contract**

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**For the provision of technical assistance in the process of assessing indicators developed by UNICEF CIS/CEE Regional Office on access to justice for children**

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**Fee:** *will be negotiated based on received financial offer*

**Duration:** 1 May until 30 June 2017

1. **Background:**

Access to justice is the ability to seek and obtain fair, timely and effective remedy for violations of rights as put forth in the international, regional and national legal frameworks. It therefore goes well beyond juvenile justice and even beyond child protection: it is about enforcing all child rights – including education, health, social protection. Accessing justice is a child’s right in itself, but it is also a means to enforce all rights under the Convention on the Rights of the Child and other international and national standards. Without accountability mechanisms and the possibility to claim protection and redress, human rights instruments – even if widely ratified – remain just words. As stated by the Committee on the Rights of the Child, “for rights to have meaning, effective remedies must be available to redress violations.”

Access to justice is a priority of the European Union as well and the key driver of reforms in the region. The European Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities[[1]](#footnote-1).

New Country programme for the period 2017 – 2021 signed between UNICEF Croatia Country Office and Government of Croatia has been approved. The overall goal of the 2017-2021 country partnership is to support Croatia to further advance progress towards the sustained realization of children’s rights in the country and to maximize the potential of Croatia to support the well-being of children beyond its borders. In the area of justice, the new Country Programme will expand its programme from the justice for children agenda which relates to children in conflict with the law, children victims and witnesses of crime to the broader agenda including protection of children in civil and misdemeanour proceedings in order to better steward children’s contact with justice system.

UNICEF Regional Office for Central and Eastern Europe and Commonwealth of independent States has adopted a common regional agenda designed to increase UNICEF’s focus on reducing inequities for the most vulnerable children and families –A child right to accessing justice – with two dimensions. The first one is work consisted in a multi-country evaluation (MCE) of the impact of juvenile justice reforms on children in conflict with the law (2006-12) to document the progress made in the area of juvenile justice[[2]](#footnote-2), where important regional investments had been made by UNICEF and others in the past 10 to 15 years. In parallel, the other dimension is focused on generating new evidence on children’s access to justice, including the participation of children in criminal, civil and administrative proceedings as victims, witnesses or parties, in order to inform the expansion of UNICEF’s justice for children agenda and the theory of change (ToC), beyond including only children in conflict with the law/juvenile justice. Within Access to Justice ToC a number of indicators have been developed (herewith attached) with the aim to assess the situation of children in contact with the law at the country level. This process of assessment, conducted together with all relevant partners, is a way to achieve common understanding and ownership and facilitate joint action plan to remove the bottlenecks, since they would have been identified and agreed upon together.

1. **Objective of the Consultant Contract:**

The objective of the Consultancy is to support relevant state institutions in analysing situation of children who are coming in contact with the law through the assessment of access to justice indicators that will be conducted in cooperation with national stakeholders and where ever possible determine baseline of indicators. Consultancy contract will include defining a baseline for indicators related to application of child friendly procedures by relevant authorities (courts and prosecutors’ offices) which is envisaged in the new Country Programme Document.[[3]](#footnote-3)

1. **Methodology and Technical Approach**

The consultant is expected to use the following methodology: desk review; consultations and survey with the key informants and justice professionals - Ministry of Justice, Judicial Academy, courts and prosecutors’ offices, Bar Association, Ombudsperson for Children, Ministry of Interior, Ministry of Demography, Family, Youth and Social Policy, Centres for social work, NGOs and UNICEF.

1. **Activities and Tasks**

The Consultant is expected:

• To review, within the preparatory phase the UNICEF multi-country evaluation of the impact of juvenile justice reforms on children in conflict with the law (2006-12), UNICEF publication *Children Equitable Access to Justice*, A Regional Agenda and Theory of Change for Europe and Central Asia, Set of indicators for access to justice developed by UNICEF Regional office; Report on *Child-friendly justice: perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States*, Report on *Access to Justice for Children with Mental Disabilities: International Standards and findings from 10 EU Member States, Mental Disability Advocacy Centre, 2015*; Country Programme document for 2017-2021[[4]](#footnote-4); Summary of contextual overviews on children’s involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the European Union. [[5]](#footnote-5)

• To conduct survey with all relevant national counterparts (Government, justice professionals, NGOs) where the counterparts will give their opinion on indicators (relevance and importance for the country in terms of enhancing access to justice for children) and possibly propose modification of indicators;

* To determine the baseline for indicators where possible including the proposed indicators in the new Country Programme for 2017-2017 related to application of child friendly procedures in courts and state prosecutors’ offices;
* To draft report on the findings and recommendations based on conducted survey and field work on determining indicators baseline;
* To conduct validation workshop with relevant counterparts to discuss indicators in more depth, and where appropriate discussion should lead to modification of indicators;
* To submit final report with all findings and recommendations. Final report should be in Croatian language with separate Summary of the report (6-10 pages) in English language.
1. **Key Deliverables and Timeframe:**

The Consultant will be engaged in the period from 1 May to 30 June 2017.

The Consultant is expected to produce the following key deliverables with the following tentative deadlines:

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| --- | --- |
| Deliverable | Tentative deadlines |
| 1. Survey on the assessment of access to justice indicators
 | By 15 May 2017 |
| 1. Draft report of the assessment with baselines for indicators
 | By 10 June 2017 |
| 1. Workshop with presentation on the assessment and draft report
 | By 20 June 2017 |
| 1. Final report of the assessment with recommendations including Summary of the report findings in English language
 | By 30 June 2017 |

1. **Management and Organisation**

Management: The Consultant will be supervised by the UNICEF Team. The relevant national stakeholders will be consulted on a regular basis for the feedback regarding the consultant’s work performance.

Organization: National Consultant will be required for this consultancy. If more than one consultant is engaged for the assignment, the fee for each consultant will be negotiated depending on their qualifications, the scope of work required from each consultant and the duration of their engagement.

Schedule: This assignment will commence on 1 May 2017.

1. **Minimum requirements :**
* University degree in law or other social sciences, preferably advanced;
* Five or more years of relevant professional experience;
* Knowledge of the UN Convention on the Rights of the Child and relevant international standards in the area of protection of children and access to justice;
* Familiarity with the local context in Croatia in particular with respect to the juvenile justice, access to justice, social protection is a strong asset;
* Excellent analytical and writing skills;
* Previous work experience with UN or other international organization will be considered as an advantage;
* Fluency in Croatian and English (both spoken and written);
* Strong communication skills;
1. **Estimated cost of the contract and funding source:**

Total cost of the contract will be calculated upon recruitment based on the received offer and negotiated fee with recruited incumbent.

1. **UNICEF recourse in the case of unsatisfactory performance:**

This contract may be terminated by either party before the expiry date of the contract by giving notice in writing to the other party. The period of notice shall be five days in the case of contracts for a total period of less than two months and fourteen days in the case of contracts for a longer period; provided however that in the event of termination on the grounds of misconduct by the consultant, UNICEF shall be entitled to terminate the contract without notice. In the event of the contract being terminated prior to its due expiry date in this way, the incumbent shall be compensated on a pro rate basis for no more than the actual amount of work performed to the satisfaction of UNICEF. Additional costs incurred by the United Nations resulting from the termination of the contract by the incumbent may be withheld from any amount otherwise due to the consultant from UNICEF.

Zagreb, 10 April 2017

Prepared by:

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Nada Djurovic Martinovic

Child Protection Consultant

Approved by:

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Đurđica Ivković

Deputy Head of Office

1. 10 Treaty establishing a Constitution for Europe, 16 December 2004 [↑](#footnote-ref-1)
2. UNICEF multi-country evaluation of the impact of juvenile justice reforms on children in conflict with the law (2006-12) [↑](#footnote-ref-2)
3. UNICEF Country programme Document 2017-2021, page 13. [↑](#footnote-ref-3)
4. <https://www.unicef.org/about/execboard/files/2016-PL13-Croatia-CPD-ODS-EN-8Aug16.pdf> [↑](#footnote-ref-4)
5. <http://www.childreninjudicialproceedings.eu/Home/Default.aspx> [↑](#footnote-ref-5)