

TERMS OF REFERENCE  
for Individual Consultancy Service

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for the provision of expert and technical assistance in developing overall concept of training curricula for life-long learning for justice and non-legal professionals in contact with children within justice system  
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**Fee:** *will be negotiated based on received financial offer*

**Duration:** 15 July 2018 – 15 December 2019

### 1. Background

Convention on the Rights of the Child (CRC) sets out the best interest of the child as one of the major principles of the Convention. Article 3 of CRC envisages that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The Committee on the Rights of the Child has also authored General Comments that clarify and elaborate on children's right to special protection in the legal system. The General Comment No 12 on children's right to be heard provides ample guidance on the implementation of child friendly justice principles before, during and after legal proceedings and the General Comment no 14 says that State parties must respect and implement the right of a child to have his or her best interests assessed and taken as a primary consideration and is under the obligation to take all necessary, deliberate and concrete measures for the full implementation of this right. The general Comment no 14 says that the child's best interests shall be applied to all matters concerning the child or children, and taken into account to resolve any possible conflicts among the rights enshrined in the Convention or other human rights treaties. Attention must be placed on identifying possible solutions which are in the child's best interests. This implies that States are under the obligation to clarify the best interests of all children, including those in vulnerable situations, when adopting implementation measures. In the Charter of Fundamental Rights of the European Union, article 24 on the rights of the child sets forth the child's right to protection and care, and to express her/his views and participate in proceedings, and the obligation by public authorities and private institutions to consider the child's best interests as a primary consideration in all actions concerning a child<sup>1</sup>.

Since 2012, UNICEF in partnership with the Ministry of Justice and Judicial Academy was supporting ongoing justice reform and establishment of child-friendly justice. Special attention was given to building capacities of justice professionals to ensure that the rights of children who are victims and/or witnesses are respected and that children are not repeatedly interviewed. Municipal and County courts were equipped with audio-visual aid so that children's interviews can be recorded in order to avoid secondary victimization. All non-legal professionals working at the court were trained on how to conduct forensic interview with children. To support further capacity building initiatives, UNICEF jointly with partners initiated "Training needs assessment of Justice Professionals and Psychosocial Professionals dealing with boys and girls involved in criminal proceedings and institutional needs assessment of national training institutes/departments for child justice professionals and child psychosocial professionals". Findings from the conducted assessments clearly showed lack of long-term plan of educations for justice and psychosocial professionals, lack of strategic planning of specialized training for justice and other professionals who are in contact with children and are working within justice system, need for continuous and comprehensive specialized training for professionals, strengthened pool of internal and external trainers to conduct specialized trainings, etc.

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<sup>1</sup> Equitable access to justice for children and Eastern and Central Europe and Central Asia, page 10.

The UN Committee on the Rights of the Child in its most recent observations (2014) regarding Croatia also recommended following:

- ✓ Recommendation 19(c): “Ensure systematic, mandatory and ongoing training on children’s rights for the public at large, children and professionals, in particular the judiciary, social workers, law enforcement officials, health-care personnel, persons working in all forms of alternative care and the media.”
- ✓ Recommendation 25(b): “Ensure that professionals in the judicial, welfare and other sectors dealing with children systematically receive appropriate training.” [related to ‘CRC General Comment No. 12 (2009) on the Right of the Child to Be Heard]
- ✓ Recommendation 59(d): “Ensure that all persons involved in the administration of juvenile justice receive appropriate education and training.”

Following above mentioned considerations and recommendations, the purpose of the Consultancy Service is to provide expert and technical assistance in developing overall concept of training curricula for life-long learning for justice and non-legal child professionals who are in contact with children in Croatian justice system.

In Croatia, Judicial Academy is responsible for ensuring high-quality initial training programmes for trainees in judicial bodies and candidates for judges and deputy prosecutors (the State School for Judicial Officials programme) and ongoing life-long professional training for justice professionals. Programs implemented by the Judicial Academy needs to be approved by the Programme and Steering Council.

In order to initiate development of training curricula for life-long learning for justice and non-legal professionals who work in Croatian justice system and are in contact with children, UNICEF will engage team of experts on consultancy contract consisted of a few senior justice and psychosocial experts in area of criminal, civil, misdemeanour and administrative proceedings, and child rights. Among selected consultants, one person will be selected as a team leader. Consultants will work in close consultations with other team members, as well as representatives of UNICEF, Judicial Academy, Ministry of Justice, Supreme Court, members of the Programme and Steering Council, and other important members of the professional community to ensure high level of participation of key stakeholders and quality of prepared overall training programme for life-long learning.

## **2. Objective and Scope of the Consultancy Service and Contract(s)**

The general objective of this consultancy service and its related contracts is to support and initiate development of the overall concept of the training curricula for life-long learning for justice and non-legal child professionals who are in contact with children in Croatian justice system.

Concept of the training curricula for life-long learning should include respectively with the best interests of the child, following 10 rights:

1. the right to be treated with dignity and compassion,
2. the right to be protected from discrimination,
3. the right to be informed,
4. the right to be heard and to express views and concerns,
5. the right to effective assistance,
6. the right to privacy,
7. the right to be protected from hardship during the justice process,
8. the right to safety,
9. the right to reparation, and
10. the right to special preventive measures.

When developing overall concept of training curricula for life-long learning, engaged consultants should consider:

- different roles and responsibilities of various actors participating in justice proceedings;
- type of justice proceedings where children are in contact with justice and other professionals (including criminal, civil, administrative or misdemeanour procedures);
- different roles and capacities of children who are coming into contact with justice system (including, offenders, victims and witnesses);
- existing legal framework and specifics of justice system in Croatia, as well as international standards and guidelines for child friendly justice.

Specific activities and tasks of the members of the expert group:

- Conduct desk review of relevant documents and legal provisions.
- Support development of methodology and overall approach in designing plan for development of training curricula for life-long learning of justice and other professionals dealing with children.
- Conduct in-depth and sufficient consultations with key stakeholders and representatives of Ministry of Justice, State Attorney, Supreme Court, Judicial Academy, members of the Programme and Steering Council of the Judicial Academy, as well as other important members of the justice professional community to ensure high level of participation of key stakeholders and quality of prepared overall methodology and concept of training curricula for life-long learning.
- Develop initial concept of training curricula for life-long learning of justice and other professionals in contact with children.
- Present concept (proposal) to relevant stakeholders, including Programme and Steering Council of the Judicial Academy.
- Finalize methodology and overall concept based on the reached agreement with UNICEF, Judicial Academy and other involved stakeholders.
- Maintain regular communication with UNICEF and key partner – Judicial Academy.
- Prepare and submit regular reports on the progress of activities.

Additional specific activities and responsibilities of the team leader:

- Develop methodology and overall approach in designing plan for development of concept of training curricula for life-long learning of justice and other professionals dealing with children.
- Develop detail job description of members of the expert group.
- Develop clear timeline of the process and identify milestones to be reached.
- Ensure participatory approach in development the concept of training curricula for life-long learning of justice and other professionals in contact with children.
- Coordinate work of team members and ensure realization of set goals.
- Submit regular joint reports on the progress of activities.

### **3. Methodology and Technical Approach**

Consultants are expected to use the following methodology: desk review, working meetings and consultations with respective institutions, key stakeholders and informants to ensure high level of participation, written inputs, and other as required. Consultant(s) is/are expected to work both in the field and from home. S/he should have all technical resources required to complete specific objectives outlined in Terms of Reference (e.g. mobile phone, computer, printer, etc.).

#### 4. Key Deliverables and Timeframe

The Consultants will be engaged in the period from 15 July 2018 to 15 December 2018.

The Consultants are expected to produce the following key deliverables with the following tentative deadlines:

Deliverables:	Tentative deadlines
1. Developed outline of the proposed methodology for curricula development	By 20 <sup>th</sup> July 2018
2. Developed methodology and overall approach for curricula development	By 15 <sup>th</sup> August 2018
3. Conducted desk review and consultations	By 30 <sup>th</sup> September 2018
4. Finalized Concept of the training curricula for life-long learning	By 30 <sup>th</sup> October 2018
5. Presented Concept (proposal) to key partners and stakeholders	By 15 <sup>th</sup> November 2018
6. Finalized Concept of the training curricula for life-long learning	By 30 <sup>th</sup> November 2018

#### 5. Management and Organisation

Management: The Consultant(s) will be supervised by the UNICEF Child Protection Officer. Their work will be also monitored and coordinated by staff in Judicial Academy.

Organization: Number of consultant/s will be required for this consultancy service and 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 the 15<sup>th</sup> of July, 2018 and all task should be completed by mid of December 2018.

#### 6. Minimum requirements

Consultant(s) is/are required to have the following qualifications/specialized knowledge/experience:

- University degree in law and/or psychosocial science.
- 8 or more years of experience and expertise in the area of child rights, protection of children and justice for children.
- Familiarity with the national context in Croatia, in particular with respect to the justice, access to justice, and child protection.
- 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.
- Extensive experience in developing and conducting trainings.
- Excellent communication and writing skills.
- Strong computer skills (including Word, Excel and PowerPoint).
- Language proficiency in English.
- Previous work experience with UNICEF will be considered as an advantage.

Consultant applying for the team leader position should have additional specific skills/knowledge/experience:

- Experience in leading and coordinating team work.
- Excellent communication and facilitation skills to enable high quality participation of various actors.
- Strong presentation skills.
- Ability to research, analyse, evaluate and synthesize information.
- Ability to extract data and solve operational problems.

#### 7. 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.

#### **8. 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, 30<sup>th</sup> May 2018