

UNICEF Moldova

TERMS OF REFERENCE

Individual Consultancy

Supporting the National Legal Aid Council in strengthening the quality assurance mechanism for legal aid provided to children

Duration: October 2016 – June 2017 (9 months)

Location: Chisinau (based in NLAC office) and field missions

Background

Every child alleged as or accused of having infringed the penal law has the right that his/her matter is determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance. The Law 198/2007 on state guaranteed legal aid, and criminal procedure legislation prescribes the right of a person to be assisted by a lawyer in criminal and non-criminal cases. Thus, children in conflict with the law and children victims of crimes are entitled to legal assistance regardless of their socio-economic or family background. At the same time, the interests and rights of a child are at stake not only in criminal cases, but also in civil and misdemeanor cases, where, for instance the residence of a child in a divorce process has to be determined, the deprivation of parental rights is examined, or a civil lawsuit in the interest of a child victim is considered by the court.

To date, impressive achievements have been registered in the legal aid system in Moldova, mainly guided by the Justice Sector Reform Strategy 2011-2016 and the Association Agreement between Republic of Moldova and European Union (chapter 27). By addressing the needs of the most vulnerable people seeking for legal advice, the system has generated a constantly increasing demand for qualitative legal aid services, including for children. The National Legal Aid Council (NLAC), which is the main body administering the legal aid system, shows in its Activity Report for 2015 that 2,679 children have benefitted of qualified legal aid in 2014 and 2,473 in 2015, having 100% proportion of claims satisfied by the system. Ensuring the quality of legal aid is decisive in guaranteeing the right of the child to access a fair and friendly justice system.

In order to boost the reforms, NLAC with UNICEF support has embarked on an ambitious initiative to apply innovative approaches by modelling an external quality monitoring system, and approving quality standards for legal aid provided by lawyers in cases involving children offenders, children victims and children witnesses of crimes. However, a number of challenges are still preventing the legal aid system from fully responding to the needs of all children coming into contact with the law. The “Final evaluation report of the quality monitoring mechanism for legal aid in cases involving children” denotes the lack of disaggregated data generated by the legal aid system, which would allow identifying cases involving children by types of cases, sex and age group. Also, the lawyers are not aware of the new external monitoring mechanism, while the lack of quality standards and quality monitoring tools on non-criminal cases involving children makes it difficult to ensure the best interest of children in non-criminal cases. The report pointed out on the necessity to

roll out the quality monitoring mechanism to other regions of Moldova with its further institutionalization nationwide. It was also recommended to expand the quality standards and assessment tools for non-criminal cases, thus encompassing all forms of legal representation for children.

Based on this, a new partnership has been concluded between UNICEF and NLAC for 2015-2016 aiming at strengthening the quality assurance mechanism for legal aid provided to children. The present national individual consultancy is aimed at supporting UNICEF and NLAC in achieving the project's results and objective.

1. Purpose of work

This consultancy is aimed at supporting UNICEF in providing technical assistance to the National Council for State Guaranteed Legal Aid (NLAC) in implementing the project "Strengthening the quality assurance mechanism for legal aid provided to children", with a particular focus on (1) improving the quality of legal aid in non-criminal cases involving children, (2) strengthening the implementation of the external monitoring mechanism (peer-review) of the quality of legal aid provided to children, (3) strengthening the data collection system and awareness raising within the legal aid system.

Expected results:

- Timely and quality support provided to NLAC in advertisement and selection of national experts according to the project action plan;
- Coordination and close monitoring ensured over the process of developing the project related documents and materials (quality control of standards and monitoring tools, regulation, report, curriculum, etc.);
- Coordination and close monitoring ensured over the process of implementation of external quality monitoring done by the national experts;
- Regular communication with and support provided to the Communication/ advocacy consultant hired by NLAC;
- NLAC staff provided with support in performing ongoing and emerging project related issues in a timely and quality manner;
- UNICEF Child Protection Chief and relevant UNICEF staff kept abreast of project's implementation progress and proposed with alternative courses of action if and when necessary.

2. Objective

The objective of this consultancy is to support NLAC in ensuring access to quality legal assistance for children coming into contact with the criminal and non-criminal justice systems.

3. Details of how the work should be delivered

It is estimated that the work will be conducted over a period of 9 months, beginning in October 2016. The consultant will work in the NLAC office.

In order to prepare deliverables, the consultant will need to:

- Discuss with NLAC and UNICEF Child Protection staff and other partners, familiarize her/himself thoroughly with relevant activities/expected results from the project action plan and relevant documents;

- Regularly meet with relevant partners, provide technical assistance, expert advice, feedback in regards to different aspects of the legal aid system and project activities;
- Undertake regular field visits, together with the NLAC staff, UNICEF and other partners, as well as individually;
- Regularly follow up and report on activities conducted and the quality of outputs produced within the project, be at NLAC's disposal for technical advice and at UNICEF's disposal for supervision;
- Closely communicate and follow up with UNICEF supervisor; keep contact with other sections within UNICEF in regards to organization of activities;
- Closely follow up on major developments in the area of justice for children and wider justice sector reform;
- Establish and maintain permanent contacts with relevant technical counterparts at both central and local levels, NGOs and other development partners active in the field of justice for children;
- Meet on a regular basis with and provide monthly work plan and reports to UNICEF;
- Perform other project related activities as per NLAC and UNICEF's request.

4. Deliverables and delivery dates (based on general and monthly work plans):

No.	Activity	Deliverables	Tentative deadlines*
1.	Coordination and close monitoring over the process of upgrading the legal aid software with a new module allowing to identify cases involving children disaggregated by age, sex, place and cases.	<ul style="list-style-type: none"> • Report on the work done • Demonstrative session organized for NLAC, Ministry of Justice and UNICEF staff 	3 months from contract commencement
2.	Coordination and close monitoring over the process of developing the Regulation on protection of personal data of children in the legal aid system	<ul style="list-style-type: none"> • Contract for expert prepared and signed • Quality of the document and timely submission for NLAC's approval ensured 	Within 3 months
3.	Coordination and close monitoring over the process of developing the Quality standards and monitoring tools for legal aid in non-criminal cases involving children	<ul style="list-style-type: none"> • Contracts for experts prepared and signed • Quality standards submitted for consultation to NLAC and its relevant partners • Quality of the document and timely submission for NLAC's approval ensured 	Within 3 months
4.	Coordination and close monitoring over the process of developing the Training curriculum for legal aid lawyers working on non-criminal cases involving children	<ul style="list-style-type: none"> • Contracts for experts prepared and signed • Training curriculum submitted for consultation to NLAC and its relevant partners • Quality of the document ensured, as well as timely submission for NLAC's approval 	Within 6 months

5.	Coordination and close monitoring over the process of external quality monitoring carried out by the national experts	<ul style="list-style-type: none"> • Contracts for monitors prepared and signed • Overall guidance and support for monitors ensured • Monitoring reports received and their quality ensured 	Within 9 months
6.	Support the communication team in arranging the development of the advertising spot regarding the right to legal aid for children in contact with law	<ul style="list-style-type: none"> • Concept of the video spot jointly developed with the NLAC and UNICEF communication teams • Coordination ensured with NLAC and UNICEF • Contract for vendor prepared and signed 	Within 9 months
7.	Support the communication team in arranging the design and setting up of advertising boards regarding the right to legal aid of children in contact with law	<ul style="list-style-type: none"> • Concept of the advertising boards jointly developed with the NLAC and UNICEF communication teams • Concept coordinated with NLAC and UNICEF • Contract for vendor prepared and signed 	Within 9 months
8.	Coordinate and ensure the quality of: Final report on quality of legal aid provided by lawyers Final evaluation of the quality monitoring mechanism for legal aid	<ul style="list-style-type: none"> • Contracts for experts prepared and signed • Final reports received and validated by NLAC and UNICEF 	Within 9 months
9.	Ensure overall guidance, monitoring and quality of the end products	<ul style="list-style-type: none"> • Guidance, monitoring and quality of the end product ensured 	Throughout the contract duration
10.	Timely and quality support provided to NLAC in advertisement and selection of national experts according to the project action plan	<ul style="list-style-type: none"> • ToR and advertisement text developed • Applications received and stored • Protocol of selection prepared and submitted for signature 	Throughout the contract duration
11.	Regular communication with and support provided to the Communication/advocacy consultant hired by NLAC	<ul style="list-style-type: none"> • Information and human interest stories provided to UNICEF for press-releases, FB posts and articles • Target groups identified to report success stories • Calendar of monthly activities updated and submitted to the team 	Throughout the contract duration

12.	NLAC staff provided with support in performing ongoing and emerging project related issues in a timely and quality manner	<ul style="list-style-type: none"> • Documents developed • Events organized • Communication ensured • Meetings attended 	Throughout the contract duration
13.	UNICEF Child Protection Chief and relevant UNICEF staff kept abreast of project's progress	<ul style="list-style-type: none"> • Weekly updates sent to UNICEF • Monthly narrative reports are endorsed by NLAC and submitted for UNICEF approval 	On a monthly basis

** Exact deadlines will be mutually agreed upon contract signature.*

5. Reporting requirements

The consultant will report on monthly basis to Chief Child Protection. The report will be prepared in English and shall include clear information about the activities performed (progress) and results achieved against the initially planned deliverables. The report in hard copy is contingent to the endorsement by the NLAC Executive Director and approval by UNICEF Chief Child Protection. A final report will be prepared and duly submitted upon the finalization of the consultancy.

6. Performance indicators for evaluation of results:

The performance of work will be evaluated based on the following indicators:

- Completion of tasks specified in ToR;
- Compliance with the established deadlines for submission of deliverables, including as per monthly jointly agreed work plans;
- Technical quality of work;
- Demonstration of high standards of work with UNICEF and with counterparts, including communication and team work.

7. Qualifications and experience

This assignment requires strong technical skills, as well as good knowledge of the national justice for children environment including policies, strategies, legal and institutional framework. It also requires strong communication, mediation and cooperation skills.

Key expected qualifications are as follows:

- University Degree in Law;
- At least 3 years of progressive experience related to child protection;
- Familiarity with relevant national standards, guidelines and tools related to justice for children;
- Knowledge of international legal instruments and standards governing the justice for children;
- Readiness and availability to spend significant amount of work time in the field;
- Excellent communication, presentation, teamwork and cooperation skills; ability to listen and express opinions sensitively; high work ethics;
- Ability to multi-task, work under pressure and produce quality outputs on short deadlines;
- Working command of English, both oral and written (please provide samples and links to developed reports/documents, if any);

- Excellent command of Romanian language, both oral and written, including report-writing skills;
- Working knowledge of Russian will be an asset;
- Previous similar work experience with non-governmental organizations and/or government programmes in relevant areas will be an asset (please provide references).

8. Financial proposal and payment modality

The financial proposal shall specify the monthly fee requested for the tasks described in the current ToR and based on the full-time office based work schedule envisaged. The financial proposal shall be submitted in **local currency (MDL)**. Best value for money principle will be taken into consideration under final selection.

Monthly fee payments will be rendered upon written approval by the Chief Child Protection, and contingent upon the quality of deliverables and monthly report.

9. Definition of supervision arrangements

The consultant will work under direct supervision of both the Chief Child Protection in UNICEF and the Executive Director of the NLAC. All activities and deliverables will be discussed and planned in consultation with the Supervisors.

The Chief Child Protection will regularly communicate with the consultant and provide formats for reports, feedback and guidance on his/her performance and all other necessary support so to achieve objectives of the consultancy, as well as remain aware of any upcoming issues related to consultant's performance and quality of work. She/he will meet with relevant partners and UNICEF specialists as required.

10. Description of official travel involved

The assignment will require local travels. Travel-related costs are the sole responsibility of the consultant. Prior to starting the assignment, the selected candidate must undertake the on-line Basic Security in the Field training (to be provided by UNICEF).

11. Copyrights & utilization rights

The copyright and the right of utilization of all the materials will belong to UNICEF Moldova.

12. Support provided by UNICEF

UNICEF will regularly communicate with the consultant and provide feedback and guidance and necessary support so to achieve objectives of the work, as well as remain aware of any upcoming issues related to the performance and quality of work. UNICEF will provide with relevant documents and available research; contacts and lists of relevant technical people to work with, constant guidance and feedback in relation to consultant's work.

The consultancy is full-time (eight hours x five working days per week) and office-based. NLAC will provide all the necessary accommodation.

13. Evaluation criteria for selection

The candidate is expected to reflect in his/her application the qualifications/ knowledge/ experience related to the qualifications and tasks above. Technical evaluation will be performed through a desk review of applications, and if necessary, will be supplemented by

an interview. The selection will be based on the principle of “best value for money” among the technically qualified candidates.