

# UNICEF Moldova

## TERMS OF REFERENCE

### Individual Consultancy

#### **Administrative and logistical support to 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;
- Logistics arranged for the project related events in Chisinau and in the regions (trainings, workshops, conferences);
- Timely and quality support provided to NLAC in arranging the translation and printing of project related documents as per the project action plan;
- 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 provide administrative and logistical support to 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 full time (5 days a week, 8 hours a day) 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;
- 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.	Prepare the logistics for the training for NLAC staff on the legal aid monitoring mechanism in cases involving children	<ul style="list-style-type: none"> <li>• Contract for trainer prepared and signed</li> <li>• Training facility, meals, and participant's kit arranged</li> <li>• Evaluation of the training done and trainer's report received</li> </ul>	Within 3 months
2.	<p>Arrange logistics for:</p> <p>13 induction workshops in Chisinau and 8 in Balti, Cahul and Comrat for legal aid lawyers on the external monitoring mechanism in cases involving children</p> <p>Workshop for candidates to monitor the quality of legal aid within the external monitoring mechanism</p>	<ul style="list-style-type: none"> <li>• Contract for trainers prepared and signed</li> <li>• Training facility, meals, accommodation, and participant's kit arranged</li> <li>• Evaluation of the workshops completed and trainers' reports received</li> </ul>	Within 6 months
3.	Organize translation and printing of the Quality standards and monitoring tools for legal aid in non-criminal cases involving children	<ul style="list-style-type: none"> <li>• Quality standards and monitoring tools submitted for translation and printing</li> <li>• Printed copies received and delivered to NLAC office</li> </ul>	Within 6 months
4.	Arrange logistics for a Training of trainers on provision of legal aid in non-criminal cases involving children	<ul style="list-style-type: none"> <li>• Contract for trainers prepared and signed</li> <li>• Training facility, meals, accommodation, and participant's kit arranged</li> <li>• Evaluation of the workshops completed and trainers' reports received</li> </ul>	Within 6 months
5.	Organize printing of the Training curriculum for legal aid lawyers working on non-criminal cases involving children	<ul style="list-style-type: none"> <li>• Training curriculum submitted for printing</li> <li>• Printed copies received and delivered to NLAC office</li> </ul>	Within 9 months

6.	Arrange logistics for one training in Chisinau and two trainings in Balti and Cahul for legal aid lawyers providing legal aid in non-criminal cases involving children	<ul style="list-style-type: none"> <li>• Contract for trainers prepared and signed</li> <li>• Training facility, meals, accommodation, and participant's kit arranged</li> <li>• Evaluation of the trainings completed and trainers' reports received</li> </ul>	Within 9 months
7.	Organize printing and dissemination of the informative materials on the right to legal aid of children in contact with justice system	<ul style="list-style-type: none"> <li>• Informative materials submitted for printing</li> <li>• Printed materials received and disseminated in/through NLAC Territorial offices</li> </ul>	Within 9 months
8.	<p>Arrange logistics for:</p> <p>Three regional mixed workshops for specialists working for children in non-criminal cases</p> <p>National conference (wrap up event) to present the project's results and ensure further commitment for sustainability</p>	<ul style="list-style-type: none"> <li>• Contract for trainers prepared and signed</li> <li>• Training facility, meals, accommodation, and participant's kit arranged</li> <li>• Evaluation of the workshops completed and trainers' reports received</li> <li>• Participation lists delivered</li> </ul>	Within 9 months
9.	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"> <li>• Documents developed</li> <li>• Events organized</li> <li>• Communication ensured</li> <li>• Meetings attended</li> </ul>	Throughout the contract duration
10.	UNICEF Child Protection Chief and relevant UNICEF staff kept abreast of project's progress	<ul style="list-style-type: none"> <li>• Monthly narrative reports are endorsed by NLAC and submitted for UNICEF approval</li> </ul>	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**

Key expected qualifications are as follows:

- University Degree in Law, Social Sciences, Human Rights or related field;
- Proven experience related to child protection;
- Familiarity with relevant national standards, guidelines and tools related to 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;
- Excellent command of Romanian language, both oral and written, including report-writing skills;
- Working command of English, both oral and written is a strong asset;
- 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.

## **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.