

TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANTS AND CONTRACTORS

Title: Development of Guidelines for Chiefdoms Customary by-law on Protection of Children from Child Marriage and other Harmful Practices Consultant	Type of engagement <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Individual Contractor Part-Time <input type="checkbox"/> Individual Contractor Full-Time	Duty station Lusaka, Zambia With field travel (Central, Eastern, Luapula, Northern and Southern)
Purpose of Activity/Assignment: UNICEF is seeking the services of an individual consultant to develop a guideline on development of Customary by-law for chiefdoms with the aim of strengthening the capacity of the chiefdoms to prevent violence against children, including child marriage, adolescent pregnancy, and all other forms of cultural practices that are harmful to children.		
Background <p>The prevalence of child marriage and adolescent pregnancy in Zambia remains unacceptably high, with key drivers being harmful cultural practices, gender inequality, household poverty, adolescent pregnancy, and school dropout. According to the 2018 Zambia Demographic and Health Survey (ZDHS 2018), a third of girls (29 per cent) aged 20-24 years were married by the age of 18 years. Up to 29 per cent of girls aged 15-19 years begin childbearing before the age of 18. Over a quarter (26 per cent) of young women described their first sexual encounter prior to age 18 as unwanted (VAC 2014 Study). According to the 2018 DHS, 17 per cent of women had their first sexual encounter by the age of 15, compared to 11 per cent of men.</p> <p>Violence against children in Zambia is widely advocated against but still occurs in schools, homes, and communities. According to the Violence Against Children Study (2014), 20.3 per cent of girls and 10 per cent of boys experienced sexual violence as children. The report further shows that zero per cent of girls and only seven per cent of boys who experienced sexual violence had access to services. Violence against children goes unreported and, in some instance, families opt to resolve incidences at family and community level, irrespective of the nature of violation and the effect on the safety and well-being of the child.</p> <p>Culture plays a significant role in the lives of children in Zambia. The different social and economic roles between men and women are passed on from generation to generation through traditional ceremonies and cultural teachings. Initiation ceremonies are an integral part of Zambian culture across all the provinces. These ceremonies have different names in different communities and regions and also differ in procedure and content. For example, the initiation ceremony for girls in Katete (Eastern Province) is called "<i>Chinamwali</i>" while that for boys is called "<i>Nyawu</i>". Although the ceremonies take different names and forms of administration in different regions, communities and tribes, the common aim is centred on inter-generational knowledge sharing, mentorship on sexuality and adolescents responsibilities in the household. These practices therefore influence the prevalence of child marriage in many ways. Across six districts covered in a UNICEF supported Gender Norms Study, each community had a form of cultural practice that required young boys and girls to undergo some form of preparation as they entered adulthood and marriage. In some communities, the children have to participate in a traditional ceremony. The elders in the community are the key facilitators of these ceremonies. While there have been efforts to address the harmful elements in these cultural practices and promote the positive messages and practices that give people identify and promote cohesiveness, the extent to which this has been achieved remains unclear. As such, it is imperative to continue working with the traditional leadership to address the harmful practices that are detrimental to children. The traditional leadership is a key ally in this endeavor.</p> <p>The Chiefs and their hierarchy (headmen, matriarchs, etc), being the custodians of people's culture and having grassroots presence as well as commanding recognition from both the government and community members, play a key role in prevention of violence on children, and protection of adolescents from marriage and pregnancy. In some chiefdoms, the traditional leaders have initiated measures to protect and promote the well-being of children. This has included the development of Customary by-law on among other issues, ending child marriage. UNICEF, through the Global Programme on Ending Marriage (GPECM) aims to support such initiatives by developing a guideline that will ensure minimum standards on prevention and protection of children from marriage and adolescent pregnancy are included in the initiatives by the chiefdoms.</p> <p>UNICEF is seeking the services of an individual consultant to develop a guideline on development of Customary by-law for chiefdoms with the aim of strengthening the capacity of the chiefdoms to prevent violence against children, including child marriage, adolescent pregnancy, and all other forms of cultural practices that are harmful to children.</p> Justification		

Traditional leaders in Zambia have taken an active role in the fight against child marriage. Following the enactment of the Children's Code, ACT No 12 of 2022, the House of Chiefs, during the third meeting of the sixth House of Chiefs held in May 2023, endorsed a call-to-action imploring on all chiefdoms across the country to take deliberate actions to end child marriage. This and previous engagement with the chiefdoms by UNICEF and other stakeholders have inspired a number of chiefdoms to initiate strategies to end child marriage and adolescent pregnancy in their areas of jurisdiction. For instance, some chiefdoms have developed Customary by-law on ending child marriage and child abuse. Others have constituted teams that are led by headmen and matriarchs to ensure children are protected, attend school, acquire birth certificates and other issues affecting children are readily addressed. However, this initiative has mainly been implemented in chiefdoms through technical support from development partners. The establishment of Customary by-law on ending child marriage, prevention of violence and other harmful practices is an emerging good practice that ought to be replicated across the 280 chiefdoms in the country.

Child marriage is to a great extent facilitated by community's strong belief in norms and practices such as initiation ceremonies facilitated by traditional mentors. It is mostly done as a part of community cultural practice that suggest readiness of girls and boys to get married. In some cultures, puberty is associated with readiness to get married. Therefore, to mainstream age-appropriate measures in customary counseling for marriage will require structured discourse with the communities that leads to the setting of minimum standards to promote positive aspects of cultural practices and also meet the statutory obligations enshrined in the Zambia constitution and the different statutes. Working with the Chiefs and the chiefdom hierarchy, religious leaders, and traditional initiators to transform initiation rites and practices as well as educate parents on the importance of following statutory law with respect to age of marriage is one of the key recommendations of the UNICEF Gender Norms Study. Importantly, the Chiefs use customary law that is recognized by the Zambian constitution to govern. The Chiefdoms are an identify for each community and affiliation to a chiefdom is often highly regarded. Working with the Chiefs, their hierarchy and members of their community has the potential to influence a majority of the community members to prevent child marriage and adolescent pregnancy. Cultural practices that perpetuate child marriage, for instance the above referenced traditional initiation ceremonies can be influenced through structures within the chiefdom. The aim of the proposed guideline is to set a standard that best informs the Chiefdoms on the minimum standards to be met to ensure cultural practices are positively contributing to the prevention of violence and harmful practices.

To effectively influence and position the Chiefs and their hierarchy as social/cultural behaviour change agents, UNICEF proposes to support the development of a guideline for the development of Chiefdom specific Customary by-law to prevent and protect children from all forms of violence, end child marriage and other harmful practices. Recognizing that chiefdoms are diverse, the aim of the guidelines is to provide the chiefdoms with a standard package on what a by-law to end child marriage, harmful practices and violations of child rights would entail (minimum standard) and ensure that Customary by-law developed by chiefdoms are in line with the Zambian constitution. The constitution recognizes a child as any person aged 18 years and below. The Children's Code Act Section 18 prohibits subjecting a child to marriage while the amendment of the Marriage Act voids a union, whether customary or statutory, where any of the parties is below 18 years. The Education Act, 2011 prohibits marrying of a school going child. The Gender Policy considers child marriage as a form of and a driver of gender-based violence. The proposed guideline will outline these and other standards that chiefdoms ought to put into consideration when coming up with Customary by-law on ending child marriage and child abuse in their chiefdoms.

Objectives

The objectives of the individual consultancy are:

1. To review laws, policies, strategic plans, and international standards and decipher their relevance in the prevention and protection of children from marriage, abuse, and harmful practices.
2. To develop a standard reference guideline to inform the formulation and implementation of chiefdom level Customary by-law to prevent and protect children from violence, child marriage, adolescent pregnancy, and other harmful practices.

Key deliverables: <ol style="list-style-type: none"> 1. Inception report: The inception report should outline a clear interpretation of the scope and deliverables of the terms of reference, proposed assignment timelines, method to be used to collect information required to inform the guideline, and the outline of the final product. 2. Desk Review Report: Submit desk review report highlighting the provisions on the prevention and protection of children from violence. 3. Stakeholder Consultations: Organize and facilitate consultations with stakeholders and use the information acquired to information to come with the guideline on development of Customary by-law to prevent and protect children from harmful practices, violence, child marriage and adolescent pregnancy. 4. Development of Guideline for Chiefdoms on coming up with chiefdom level Customary by-law on prevention and protection of children from violence, prevention of child marriage, adolescent pregnancy, and protection from harmful practices. 5. Validation: The consultant will present the guideline to stakeholders for review and validation 6. Final Submission: Upon validation, the consultant will incorporate stakeholders' comments and submit finalized guideline and associated materials (documents gathered during the consultations, inception report, contact of persons consulted) to UNICEF for final endorsement and completion. 		
Child Safeguarding Is this project/assignment considered as " Elevated Risk Role " from a child safeguarding perspective? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, check all that apply: Direct contact role <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, please indicate the number of hours/months of direct interpersonal contact with children, or work in their immediately physical proximity, with limited supervision by a more senior member of personnel: Child data role <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, please indicate the number of hours/months of manipulating or transmitting personal-identifiable information of children (name, national ID, location data, photos): More information is available in the Child Safeguarding SharePoint and Child Safeguarding FAQs and Updates		
Budget Year: 2024/2025	Requesting Section/Issuing Office: Child Protection Section/Zambia, Lusaka	Reasons why consultancy cannot be done by staff: The task requires wide consultation with stakeholders including field visit to 5 different sites and desk studies and reference of work previously done to inform the final guidelines.
Included in Annual/Rolling Workplan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, please justify:		
Consultant sourcing: <input checked="" type="checkbox"/> National <input type="checkbox"/> International <input type="checkbox"/> Both Consultant selection method: <input type="checkbox"/> Competitive Selection (Roster) <input checked="" type="checkbox"/> Competitive Selection (Desk Review/Interview) <input type="checkbox"/> Advertisement		Request for: <input checked="" type="checkbox"/> New SSA <input type="checkbox"/> Extension/ Amendment
If Extension, Justification for extension:		

Supervisor: Child Protection Specialist	Start date: 2309/2024	End date: 29/11/2024	Number of Working Days: 40
Work Assignment Overview:			
Work Assignments Overview	Deliverables/Outputs	Delivery deadline	Estimated Budget
Come up with the assignment inception should outline a clear interpretation of the scope and deliverables of the terms of reference, proposed assignment timelines, method to be used to collect information required to inform the guideline, and the outline of the final product.	Inception Report	September 23, 2024.	30%
Submit desk review report highlighting the provisions on the prevention and protection of children from violence and how they inform the design and outline of the proposed guideline.	Desk Review Report	September 20, 2024	
Organize and facilitate consultations with stakeholders and use the information acquired to information to come with the guideline on development of Customary by-law to prevent and protect children from harmful practices, violence, child marriage and adolescent pregnancy.	Stakeholders input to the guideline, including consultations with chief/chiefdoms, at least one chiefdom in each of the 5 chiefdoms listed below	October 4, 2024	40%
Development of Guideline for Chiefdoms on coming up with chiefdom level Customary by-law on prevention and protection of children from violence, prevention of child marriage, adolescent pregnancy and protection from harmful practices.	Profile, examples of initiatives by different chiefdoms	October 18, 2024	
The consultant will present the guideline to stakeholders for review and validation	Validation workshop report	October 22, 2024	
Upon validation, the consultant will incorporate stakeholders' comments and submit finalized guideline and associated materials (documents gathered during the consultations, inception report, contact of persons consulted) to UNICEF for final endorsement and completion	Guideline on development of Customary by-law by chiefdoms on ending child marriage and other harmful practices	October 30, 2024	30%
Estimated Consultancy fee			
Travel International (if applicable)	n/a		
Travel Local (please include travel plan)	Central	October 1 – 18, 2024	2 Days
	Eastern		2 Days
	Luapula		3 Days
	Northern		3 Days
	Southern		2 Days

DSA (if applicable)		Elsewhere applicable DSA	
Total estimated consultancy costsⁱ			
Minimum Qualifications required*: <input type="checkbox"/> Bachelors <input checked="" type="checkbox"/> Masters <input type="checkbox"/> PhD <input type="checkbox"/> Other Master's degree in law, Human Rights law, social work, public administration, or other social sciences related to child rights and child protection.		Knowledge/Expertise/Skills required*: <ul style="list-style-type: none"> • At least 5 years' experience in social work, law reform, development of policies and guidelines relating to child rights, child protection and prevention of violence against children. • Extensive experience in analyzing child protections systems, policies and legislative frameworks including carrying out studies on child protection and evaluation of programmes that prevent violence against children. • Good knowledge of international guidelines, standards and best practices related to prevention of violence against children, including child marriage, adolescent pregnancy, and other harmful practices. • Experience in developing policy briefs, policy guidelines or Customary by-law relevant to the consultancy area of focus will be an added advantage. • Demonstrate understanding of the Chiefdom's processes and engagement with their hierarchy to ensure consultations are successfully held. • A good understanding of the drivers of violence against children, child marriage issues and other harmful practices • Good knowledge of risk and protection factors affecting children, adolescents, and youths within the context of the child protection and violence prevention system. • Demonstrated skills in building consensus among multiple partners around complex issues, and in identifying innovative solutions to complex and systemic challenges. • Excellent interpersonal, facilitation and presentation skills. • Fluency in English (Written & Oral) is required with excellent writing skills. 	
Evaluation Criteria (This will be used for the Selection Report (for clarification see Guidance)) A) Technical Evaluation (e.g. maximum 75 Points) B) Financial Proposal (e.g. maximum of 25 Points)			
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Administrative details: Visa assistance required: <input type="checkbox"/> Transportation arranged by the office: <input type="checkbox"/>		<input checked="" type="checkbox"/> Home Based <input type="checkbox"/> Office Based/In Country-Based: If office based, seating arrangement identified: <input type="checkbox"/> IT and Communication equipment required: <input type="checkbox"/> Internet access required: <input type="checkbox"/>	

ⁱ Costs indicated are estimated. Final rate shall follow the “best value for money” principle, i.e., achieving the desired outcome at the lowest possible fee. Consultants will be asked to stipulate all-inclusive fees, including lump sum travel and subsistence costs, as applicable.

Payment of professional fees will be based on submission of agreed deliverables. UNICEF reserves the right to withhold payment in case the deliverables submitted are not up to the required standard or in case of delays in submitting the deliverables on the part of the consultant.

Text to be added to all TORs:

Individuals engaged under a consultancy or individual contract will not be considered “staff members” under the Staff Regulations and Rules of the United Nations and UNICEF’s policies and procedures and will not be entitled to benefits provided therein (such as leave entitlements and medical insurance coverage). Their conditions of service will be governed by their contract and the General Conditions of Contracts for the Services of Consultants and Individual Contractors. Consultants and individual contractors are responsible for determining their tax liabilities and for the payment of any taxes and/or duties, in accordance with local or other applicable laws.

The selected candidate is solely responsible to ensure that the visa (applicable) and health insurance required to perform the duties of the contract are valid for the entire period of the contract. Selected candidates are subject to confirmation of fully vaccinated status against SARS-CoV-2 (Covid-19) with a World Health Organization (WHO)-endorsed vaccine, which must be met prior to taking up the assignment. It does not apply to consultants who will work remotely and are not expected to work on or visit UNICEF premises, programme delivery locations or directly interact with communities UNICEF works with, nor to travel to perform functions for UNICEF for the duration of their consultancy contracts.

UNICEF offers [reasonable accommodation](#) for consultants with disabilities. This may include, for example, accessible software, travel assistance for missions or personal attendants. We encourage you to disclose your disability during your application in case you need reasonable accommodation during the selection process and afterwards in your assignment.