

TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANTS AND CONTRACTORS

NATIONAL CONSULTANT

DEVELOPMENT OF A TRAINING PROGRAMME AND A GUIDELINES FOR POLICE ON THE TREATMENT OF CHILD VICTIMS OF SEXUAL ABUSE

1. Background:

Sexual abuse of children and adolescents is a violation of fundamental human rights including the right to life, right to protection from all forms of violence and the right to health. Every day, millions of girls and boys around the world face sexual abuse and exploitation. Most abuse takes place around the child's home, neighborhood and school, perpetrated by someone within his or her circle of trust and online.

Globally, at least 120 million girls under the age of 20 – about 1 in 10 – have been forced to engage in sex or perform other sexual acts. Millions more (including millions of boys) never tell anyone. The vast majority – 90 per cent – of adolescent girls who report forced sex say that someone known (and often close) to them was the first perpetrator, usually a boyfriend or a husband. Most children who face sexual abuse also experience other kinds of violence.

Both the victims of sexual violence and their communities face debilitating harm and carry deep scars. Victims experience serious physical, psychological and social effects, including increased risk of HIV or other infections, pain and illness, unwanted pregnancy, social isolation, psychological distress and risky behaviours such as substance abuse. The families, communities and nations of victims of sexual violence are profoundly affected. Sexual violence is associated with attitudes which normalize violence and gender inequality; its perpetration only further entrenches these attitudes.

Child victims and witnesses of crime are often re-victimized by justice systems that are not adapted to their rights and needs. Professionals—including the police, prosecutors, and judges—often lack specialized training in dealing with child victims and witnesses. Related procedures are rarely child sensitive. Child victims' access to justice is often impeded by obstacles such as lack of knowledge about their rights, court and legal representation fees and dependence on adults to bring rights violations to justice. Child-sensitive procedures should be put in place for child victims and witnesses of crime, and professionals trained accordingly.

Working on justice for children, UNICEF promotes the strengthening of the child protection system, including the justice mechanisms, to operate in the best interests of the child. UNICEF supports the training of police, prosecutors, judges, lawyers, social services, and health professionals to effectively protect children in contact with the justice system.

2. Purpose of Assignment:

The purpose of the consultancy assignment is to produce Guidelines on handling victims of sexual offences and aspects of the investigation; and a Training Manual which aim to provide police officers including crime investigation officers, with the tools to best respond to the cases of child victims of sexual and gender-based violence (SGBV).

3. Scope of Work:

The consultant will deliver the following:

1. Develop a Guidelines on handling victims of sexual offences and aspects of the investigation.
2. Develop a Training Manual for police officers including crime investigation officers that will have three modules: 1) Issues of sexual and gender-based violence; 2) Legislative framework, international and national; and 3) Police response.
3. Facilitate 2-day Trainings for police officers in UB and provinces.

The Guidelines aim to ensure:

- 1) Standardization of procedures on handling cases of child victims of sexual offences.
- 2) Child victims are protected and receive the most effective and efficient services for reducing trauma of abuse and neglect.
- 3) Interventions are conducted in a systematic manner.
- 4) All necessary collaboration and co-ordination between role players take place during intervention process.
- 5) Joint decision making with other role players to facilitate decisions in the best interest of the child victim.

The training programme aims to help:

- 1) Understand the distinction between sex, gender and gender norms, what is meant by SGBV and to identify instances of SGBV, be able to identify and evaluate myths relating to SGBV, understanding of the root causes of SGBV and the context of SGBV in Mongolia
- 2) Improve understanding and knowledge of the concept of human rights within the framework of SGBV, international instruments applicable to SGBV, regional instruments applicable to SGBV and awareness of the Mongolian legislative framework for SGBV
- 3) Introduce the guidelines on handling sexual offences and aspects of the Investigation, explore the implementation of victim friendly investigation procedures in SGBV cases, investigate the various roles and responsibilities of police officers in SGBV cases, explain forensic aspects of the investigation of SGBV cases, including medical examinations, crime scene investigations and digital evidence, provide a framework for conducting forensic interviews in SGBV cases and a framework for taking statements from victims in SGBV cases.

To align the work with international standards, the consultant will consult with the following and other documents for references:

- The Convention on the Rights of the Child (1989) and its Optional Protocols that contain various provisions relating to children who are victims of crime and offer a framework for the protection of the rights of children including for those involved in sale, prostitution and pornography.
- Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime that specifically deal with the rights of children who are victims of crime and the rights of children who have witnessed crime.
- Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice that addresses the specific needs of child victims and witnesses of crime
- Manual for the Measurement of Juvenile Justice Indicators, and a Handbook for Professionals and Policymakers on Justice in Matters Involving Child Victims and Witnesses of Crime
- The Model Law and Related Commentary on Child Victims and Witnesses of Crime.

- Training Programme on the Treatment of Child Victims and Child Witnesses of Crime for Law Enforcement Officials, UNODC and INICEF 2015
- General comment No. 24 (2019) on children's rights in the child justice system
- Other

4. Programme Area and Specific Project Involved:

This consultancy work is linked to the following Outcome and Output:

Outcome 300: Child related national policies, budgets and systems, including the child protection system, are inclusive and equity focused.

Output 302: Government's capacity to legislate, plan, budget and to provide child protection services have increased to protect children from violence, abuse and exploitation at central level and in targeted areas.

Activity 3.2.6: Technical assistance in improving systems to protect children who are in contact with the law (specialized training on child justice, develop guidance for prosecutors and judges on non-custodial sentences; and promote child-sensitive investigation and court procedures etc.)

5. Contract duration (start and end date):

This is a 4-month contract.

6. Type of engagement:

☒ Deliverable based (home based) ☐ Full-time, office based ☐ Part-time, office based

Deliverable based consultant: Consultants are responsible for their own time management. The time invested for each deliverable is at discretion of the consultant, in consultation with the supervisor. Consultants are not entitled to Paid Time Off.

7. Deliverables, Timeframe and Payment Schedule:

The Consultant will be paid upon submission of the deliverables as per below schedules.

- 1) Submission of the 1st draft of the Guidelines and the Training Manual and stakeholder consultation (35 working days)-40%
- 2) Submission of the 2nd draft of both the Guidelines and the Training Manual and a Training for police officers in UB (30 working days) -30%
- 3) Trainings for the provincial police and Submission of final edited copy of the Guidelines and the Training Manual validated (25 working days)-30%

8. Project Management:

The Consultant will be supervised by the Child Protection Specialist, and work in close collaboration with MOJHA and related units of the National Police Agency

9. Qualifications and requirements:

- Masters or advanced degree in relevant fields: Law, Criminal Justice, Criminology or related field)
- Experience in developing guidelines, training materials and other tools for law enforcement in the area of human rights, child rights, gender-based violence, child protection, children in conflict with the law and victim protection.
- Distinct expertise of the legal and/or criminal justice landscape in Mongolia.
- A minimum of eight years of professional work experience in justice, human rights etc.
- Ability to work independently and to meet tight deadlines
- Ability to write clearly and concisely in Mongolian

Nature of 'Penalty Clause' to be Stipulated in Contract:

UNICEF reserves the right to withhold the consultancy fee of up to 30% in the case that the deliverables are not submitted on schedule or do not meet the required standard. Copyright and ownership of all documents produced will remain with UNICEF.

Note: 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.