

**TERMS OF REFERENCE**

**Assessment of the national capacities for child rights monitoring**

**Type:** individual consultancy (national/ international)

**Duration:** June – November 2017

**Location:** Republic of Moldova

**I. Background**

On January 26 1993, the Republic of Moldova ratified the UN Convention on the Rights of the Child, thus taking up the obligation to align its legislation, national policies and practices accordingly and to protect child rights. The country adopted the Law on Child Rights in 1994. In 1998, the National Council for Child Rights Protection was established, and in 2008 a specialized Ombudsman for children was institutionalized. Moldova's commitments towards the fulfilment of child rights has been further reconfirmed in the Association Agreement signed with the EU in 2014 in which a specific chapter on protection of child rights has been included.

Under the current Country Programme of Cooperation 2013-2017 between the Government of the Republic of Moldova and UNICEF (hereafter 'the Country Programme'), UNICEF recognized the need of regular child rights monitoring to ensure the progress in their realization, and the need for disaggregation, analysis and use of data to increase the visibility of marginalized groups. This also reflected the Concluding Observations of the Committee on The Rights of The Child (2009), which recommended to the State party of Moldova to ensure independent and effective monitoring of the implementation of the United Nations (UN) Convention on the Rights of the Child (CRC); and to improve collection of disaggregated, equity-informative data and its use for policy formulation and evaluation. Since the inception of the Country Programme, several achievements have been made in terms of governance strengthening for child rights, nonetheless, challenges persist. Recent analyses<sup>1</sup> suggest that there is stronger need for disaggregated data, in order to reach the most vulnerable groups. Furthermore, according to the recommendations outlined by the Committee on The Rights of The Child (2009), it is essential to ensure that the Ombudsman for Children has adequate financial and human resources to effectively exercise his or her mandate to promote and protect the rights and interests of children and young people aged under 18. Finally, it is crucial to guarantee that key players have the capacity to monitor regularly child rights.

The future Country Programme of Cooperation 2018-2022 also placed emphasis on building the capacities of human rights institutions and local public authorities, establishing mechanisms for accountability, and monitoring of the implementation of key child-rights-related policies and reforms. Special attention will be dedicated to monitoring the concluding observations and recommendations of the Committee on the Rights of the Child, and to strengthening the capacity of national institutions to monitor the progress and report on actions.

There are government institutions with whom UNICEF is partnering and who are responsible and/or are involved in child right monitoring, taking into consideration both human and child right perspective and data production and use. The key stakeholders are as follows: Ministry of Labor, Social Policy and Family; Ministry of Education; Ministry of Health; Ministry of Justice; National Council for Child Rights Protection (NCCRP); the People's advocate Office (specialized Ombudsperson for children) and National Bureau of Statistics. Civil society and media are also focusing on child rights monitoring and reporting on the situation of children and advocate for the fulfillment of their rights, thus representing another key players in promoting the implementation of CRC in the country.

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<sup>1</sup> Situation Analysis of Children (SitAn), 2016

## 2. Purpose of the consultancy

Independent assessment will be conducted to generate evidence on current capacities of the institutions and civil sector to ensure proper child rights monitoring and to analyse the extent to which child-related disaggregated data are available. The rationale behind it is that a functional child rights monitoring system which produces, monitors and evaluates comprehensive, disaggregated and consistent data allows to reach all children, also the more invisible and vulnerable ones, thus reducing equity gaps.

Three interrelated levels of capacity will be assessed: **individual, organizational and enabling environment** such as legislation, regulatory frameworks, roles and responsibilities, financing, monitoring and reporting systems etc.

The assessment will further provide evidence-based findings that UNICEF will draw on for discussions and lobbying with government counterparts for operational changes.

The results of this assignment will be shared with the Ombudsman Office, NCCRP, key line ministries, NBS and relevant CSOs to address key recommendations and will contribute to strengthening institutional capacities and collaboration with CSOs. At output level, this will result in strengthened capacity in child rights monitoring, which will be measured by the quality of follow up government and CSO reports on child rights and the quality of their institutional systems for disaggregated data collection. At outcome level, the assessment will allow to address current capacity gaps and weaknesses by guiding government institutions and other key players in overcoming the identified bottlenecks, leading to improved child rights monitoring. This will ultimately contribute to better compliance with such rights and reduce equity gaps.

## 3. Objectives of the consultancy

The objective of the consultancy is to analyse current status and provide information on the capacities that are critical for performing the role related to child rights monitoring at different levels:

- **Individual level.** Individual capacities include specific areas of expertise related to Child Rights monitoring as follows: general knowledge on the concept of human rights and child rights; knowledge of the international child rights instruments and the state obligations toward these instruments, the guiding child rights principles as per CRC; capacity to formulate and implement human rights policies and strategies, to assess the situation and define gaps in the fulfilment of child rights; capacity to advocate and raise awareness and to monitor, evaluate and report.
- **Organizational and institutional level.** The efficiency and effectiveness of a broad range of procedures, processes and systems affect the ability of the country to monitor and report on the realization of the rights of children and women in Moldova. Particular attention will be paid to specific responsibilities and job descriptions, tools, mechanisms and systems, including data collection and dissemination etc. In addition to the capacity of relevant institutions, the capacity and role of civil society organizations will be assessed.
- **Enabling environment.** This level of capacity, which includes legislation, regulatory framework, legislation, allocation of resources etc. is also crucial to achieving progress in child rights monitoring.

The assignment should result in a report highlighting existing capacity at all three levels (individual, organizational and enabling environment), defining capacity gaps and needs for relevant institutions and individuals in order to comply with their obligations and providing recommendations on overcoming the identified bottlenecks, including adjustments in the legislation.

As data collection represents a crucial element in monitoring child rights, in the frame of the assessment special attention will be paid to the capacity of different stakeholders in this regard. In particular, the level of data disaggregation, the regularity of data gathering, coordination between the agencies and actors in charge, and the availability of such data to other stakeholders and the wider public will be assessed.

#### 4. Details of how the work should be delivered

To achieve the above-mentioned objectives, the selected consultant(s) (hereinafter the Contractor) under the guidance of UNICEF will:

Familiarize with all relevant human/child rights instruments and documentation related to the reporting of Moldova to the Committee on the Rights of the Child, mandate and responsibilities of the institutions and organizations covered by the assessment, and namely, National Council for Child Rights Protection (NCCRP); the People's advocate Office (specialized Ombudsperson for children), Ministry of Labor, Social Policy and Family; Ministry of Education; Ministry of Health; Ministry of Justice; National Bureau of Statistics and Alliance of NGOs active in social protection of family and child;

Semi-structured interviews will be conducted according to prepared guide to reflect general current situation in Moldova regarding child rights monitoring and how different categories of institutions (the NCCRP, the Ombudsman, key line ministries and the civil sector) are evaluated by all interviewed parties. The second part will give a self-evaluation of all interviewed institutions and organizations about their own capacities to monitor child rights.

Analyze and compile all information to document the current status of the work related to in-country capacities to formulate and implement human rights policies and strategies, to assess the situation and define gaps in the fulfilment of child rights, to advocate and raise awareness, to generate and disseminate key data and statistics related to the situation of children and capacity to monitor, evaluate and report.

Assess the gaps in the capacities of the included institutions and organizations, considering also existing legislation, resource allocation and other factors that should create enabling environment for child rights monitoring covered by the assessment and develop recommendations for specific activities to address the identified gaps.

Present key findings of the Assessment to UNICEF and partners and finalize the report based on feedback received.

Regular communication with UNICEF will ensuring quality control and will provide relevant technical support to timely finalize the assessment.

#### 5. Deliverables and time frame

Major tasks to be accomplished and indicative time frame:

Nr.	Activities*	Deliverables	Tentative number of working days *
1.	Develop a comprehensive plan on how the work will be completed	Detailed Work Plan with estimated timeline ( to be included in Inception Report)	2 days
2.	Desk review of relevant legislation, documentation and sources	Bibliography (to be included in Inception Report)	10 days

3.	Development of detailed methodology and tools to be used for data collecting and analysis needed for the assessment	<b>Inception Report</b> to include: Detailed Work Plan with estimated timeline, Methodology and tools, Proposed outline of the Assessment Report , Bibliography	5 days
4.	Organize and meet the representatives of the institutions and CSOs covered by the assessment, conduct interviews and implement other data collecting tools as per the developed methodology;	List of interviewed people	10 days
5.	Draft report stating the current situation and gaps in the capacities of the included institutions and CSOs, and recommendations for specific activities to address the identified gaps	<b>Draft Report and Slideshow presentation</b> (PowerPoint, or any other Apps formats)	14 days
6.	Present the findings and recommendations to UNICEF and partners, incorporate received feedback and finalize the report	<b>Final Report</b>	4 days
	TOTAL:		45 days, not later than 15 September 2017

\* Detailed activities and schedule will be submitted as a part of technical proposal.

## 6. Reporting requirements

As indicated previously the Assessment will produce the following major outputs/deliverables:

Inception Report

Draft Report

Slideshow presentation (PowerPoint or any other Apps format)

Final Report (formatted)

Inception report should not exceed 15 pages and Final Report - 60 pages, respectively (including Executive summary and recommendations). Total length of slideshow presentation should not exceed 30 minutes.

Each product will be under review by UNICEF before approval. All deliverables need to be submitted in electronic format (Word and PDF) in English. In case if national consultant will be hired deliverables could be presented in Romanian and the following translation in English will be ensured by consultant as per financial proposal. Translation cost of both written and oral (if needed) will be reflected in financial proposal with the amount transferred to the Contractor.

## 7. 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;
- Quality of work;
- Demonstration of high standards of work with UNICEF and with counterparts.

## **8. Qualifications and experience**

- Advanced university degree in social sciences, human rights or related area;
- Five years of professional experience as a researcher in areas of social sciences or human rights (previous work in CEECIS Region and Moldova is an asset);
- Analytical capacity and proven experience in qualitative data collection and conducting desk-review, assessments, studies etc. (relevant documents need to be attached);
- Experience in working with international organizations (working with UNICEF/other UN Agencies is an asset)
- Solid knowledge on HRBA, Child rights, Gender and RBM;
- Fluency in English and/or Romanian (the translation will be arranged by the Contractor and translation costs included in Financial proposal).

Other skills are essential to successfully implement required tasks as follows: Communication, Teamwork, Initiative and Flexibility.

## **9. Content of technical proposal**

The candidate is expected to submit a Technical proposal reflecting proposed approach, methodology, implementation plan and timetable, as well as separate sections on (a) recognition of potential risks and (b) ethical consideration.

References and examples of similar work (publications, reports etc.) need to be attached to demonstrate the Contractor's experience with similar exercises.

Technical evaluation will be performed through a desk review of applications, and if necessary, may be supplemented by an interview.

## **10. Financial proposal and payment modality**

The financial proposal shall indicate total budget estimated in US\$, as well as a detailed breakdown of budget items as follows:

- Consultancy fee;
- Translation costs (if applicable);
- Travel costs (for international consultant)

Travel costs (if applicable) shall include accommodation, meals and incidentals that will not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC). Travel paid for by UNICEF shall be based on economy class travel, regardless of the length of travel. Agreed travel costs in signed contract are not negotiable. The Contractor will be responsible for assuming costs for obtaining visas and travel insurance if needed.

If a Moldova resident consultant is contracted, MDL will serve as contract currency, converted at the UN exchange rate applicable at contract signature date.

The final selection will be based on the principle of "best value for money" among the technically qualified candidates.

The payment will be done based on the following deliverables:

- 20% upon submission of the Inception report;
- 40% upon submission of the Draft report;
- 40% upon submission of the Final report and Slideshow presentation.

## **11. Definition of supervision arrangements**

The Contractor will work under the direct supervision of the Monitoring and Evaluation Officer who will regularly communicate with the Contractor and provide feedback, guidance and all other necessary support so to achieve objectives of the consultancy, as well as remain aware of any upcoming issues related to potential risks and quality of work. All activities and deliverables will be discussed, planned and implemented in consultation with UNICEF.

## **12. Description of official travel involved**

The assessment will be conducted in Chisinau, Moldova. No local travel envisaged outside of the city.

As indicated above, International Travel costs (if applicable) shall be calculated based on economy class travel, regardless of the length of travel and costs for accommodation, meals and incidentals shall not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC). All travel arrangements and expenses need to be included in the Financial offer (lump sum).

## **13. Support provided by UNICEF**

To achieve the above-mentioned objectives, UNICEF will provide timely feedback to all deliverable and to facilitate the contact with relevant institutions and organizations and provide logistical support to organize validation meeting and presentation of key results to UNICEF and partners. For International contractor(s) office space will be provided during in-country mission. No UNICEF vehicles will be available for data collection trips purpose.

## **14. Ethical consideration**

During the Assessment semi-structured interviews are envisaged. Thus, the Contractor will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines<sup>2</sup>. The Constructor should be sensitive to beliefs, manners and customs and act with integrity and honesty while interacting with stakeholders and beneficiaries. Furthermore, the Contractor should protect the anonymity and confidentiality of individual information. All participants should be informed about the context and purpose of the Assessment, as well as about the confidentiality of the information shared.

The Contractor is allowed to use documents and information provided only for the tasks related to this terms of reference.

## **15. Copyrights & utilization rights**

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

## **16. Remarks and reservations**

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/outputs are incomplete, not delivered or in case of failure to meet deadlines.

In case of unsatisfactory performance, the contract will be terminated by notification letter sent 5 days prior to termination. In the meantime, UNICEF will initiate another selection in order to identify an appropriate candidate. The contractor's fee is contingent upon approval of deliverables by UNICEF.

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<sup>2</sup> UNEG Guidelines <http://www.uneval.org/document/detail/102>