**TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANTS AND CONTRACTORS**

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| **Title**  National Consultant for Legal Aid services for the Children and Young People Outside Yangon ( Chin, Magway, Bago, Kayah, Tanintharyi, Mandalay and Sagaing | **Funding Code**  **ECHO grant on justice** | **Type of engagement**  Consultant  Individual Contractor Part-Time  Individual Contractor Full-Time | **Duty Station:**  Home-based with travel to mentioned locations |
| **Purpose of Activity/Assignment:**  To Respond the instances of arbitrary arrest and detention, to access to justice options and processes, and to ensure that children's rights in the criminal justice system are better protected by making legal aid services available to children. | | | |
| **Scope of Work:**  Due to the current political situation in Myanmar, Nationwide protests continue across Myanmar starting from 4th Feb 2021 following a weekend to oppose the coup. Children are the first to suffer, and despite the efforts of authorities, children’s rights are often blatantly violated. Access to justice is a central component of any good rule of law framework that works to promote justice, accountability and a fundamental international human right. Political instability is threatening the lives of more and more children across Myanmar. Some of the children including street children are being abused of their rights. Children are being forced to use in criminal activities by providing incentives and threat to them to do illegal actions. Some are involved in the peaceful demonstration in some areas. Children are being detained by public and arrested by the authority. Due to current political transition, curfew order from 8 pm to 4am was issued, consequently some youth and children are being suspected and arrested by the authority. As of April 8, a total of 2857 people has been arrested, charged or sentenced, according to assistance Association for Political Prisoners (Burma). According to the UNICEF’s legal aid partners information, it was estimated that almost 1,000 children and young people have been arbitrarily detained. And while many of those detained have subsequently been released, many are still being held without access to legal counsel, in violation of their human rights.  The role of lawyers is critical in this situation. Volunteer Lawyers are providing legal advice, consultation and legal aid support to the detained children, young people and their family without receiving any charges. After two months, the detained cases are still increasingly, and the lawyers are facing difficulties to provide free of charges for all the services.  Moreover, under the 2021 Multi Year Workplan of UNICEF, it was planned to support children protection appropriate specialized services including legal aid under activity 2.1.  In this regards UNICEF child protection section will provide funding support to the lawyer to   1. Assist child/young people (under 25) cases at the police station 2. Represent child/ young people (under 25) cases at the Court 3. Conduct court monitoring 4. Provide Legal advice and Legal counselling 5. Provide Social support for the children and youth who detained and recently released from detention 6. Refer child cases to other victim assistance service providers | | | |
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| **Child Safeguarding**  Is this project/assignment considered as “[Elevated Risk Role](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/DocumentLibrary1/Guidance%20on%20Identifying%20Elevated%20Risk%20Roles_finalversion.pdf?CT=1590792470221&OR=ItemsView)” from a child safeguarding perspective?       YES       NO     If YES, check all that apply:    **Direct contact role** YES       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:     |  | | --- | | 2 to 3 hours a day with different children  When the lawyer assists the children at the police station and represent hearing at the court, the lawyer need to talk and discuss with the children together with their parents or caregivers. No immediately physical proximity |   **Child data role** YES      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):     |  | | --- | | The lawyer needs to input the children’s data in the legal case management data sheet and share to UNICEF focal persons. It will take 1 to 2 hours a day. UNICEF focal person already brief and share the policy of safeguarding child’s data. |   More information is available in the [Child Safeguarding SharePoint](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/SitePages/Amendments-to-the-Recruitment-Guidance.aspx) and [Child Safeguarding FAQs and Updates](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/DocumentLibrary1/Child%20Safeguarding%20FAQs%20and%20Updates%20Dec%202020.pdf) | | | |

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| **Work Assignment Overview** | | | |
| Tasks/Milestone: | Deliverables/Outputs: | Timeline |  |
| **Legal Aid support for the children and youth outside Yangon**   * Identify local lawyers in Chin, Magway, Bago, Kayah, Tanintharyi and Sagaing, etc... * Providing technical guidance to local lawyers to handle the cases in above mention area * Representing child / youth cases at the police station and court himself or through local lawyers * Providing Legal advice and Legal counselling * Facilitating contact to the child and parents for the services that they can receive * Referring the cases to other service provider | 1.Representing (20) children and young people (under 25) at the police station.  **Expenses**  One Case = 20US$ (transportation, meal, copy cost and at least 3 times meeting with children and CRO at the police station and meeting with parents and caregivers to prepare necessary document)  **Consultant need to summit**   1. police case number of the cases   letter of agreement by the parent/guardian to represent at the police station (for child case) and letter of agreement by the clients (if young people’s cases)  2. Representing (50) children and young people (under 25) at the courts.  (professional cost, transportation, meal, copy cost and representing at least 3 times court hearing)  **Consultant need to summit**   1. Court case number of the cases 2. Copy of the Letter of Attorney (if possible) because in some children cases the judges allow to attend and represent the lawyers at the court hearing session although approved letter of attorney cannot get in time. 3. Court orders and/or verdict of the judges or Court Monitoring Report 4. letter of agreement by the parent/guardian to represent at the police station (for child case) and letter of agreement by the clients (if youth cases)   3. Providing legal advice to (50) children and young people (under 25)  (professional cost and phone bill, at least 2 to 3 times legal advice provided)  **Consultant need to summit**  Case records which include case number, call times and brief description | 15/11/2021 to 15/05/2022 |  |
| **Social support for the children and youth who detained and recently released from detention**   * Providing emergency medical support * Transportation to return to parents/caregiver * Hostel hiring cost (migrant youth who are staying at the hostel in Yangon) * Meal (as soon as they release need meal) * Other basic needs (CP kits and adolescent kits) * Potable handset, sim card and top up for communication (all the mobiles are kept by the police or authorities when they were detained) | Providing Social support for (20) the children and young people (under 25) who detained and recently released from detention  **Expenses**  operational and logistic costs for providing necessary social assistance to detainees and post-release support/ Payment will be based on the actual.  **Consultant need to summit**   1. Actual expenses receipts 2. Signature of clients which is mention that they received the support.   Case records which include case number, support provided | 15/11/2021 to 15/05/2022 |  |
| 3. **Mentoring local lawyers for referring child cases to Case Management System.**   * Meeting with each Lawyer (over 82 lawyers) and discuss about the cases of children who are receiving legal aid support from the lawyers * Provide the advice and suggestion base on each cases situation which will include what are the needs of the children, how to refer case management system and MHPSS services, what are the challenges of the children. Focusing on the underling the charges of the counter terrorism law, explosive act and unlawful association act * If necessary, meeting with the clients and provide necessary support. * Presenting the situation at the Lawyer Network Meeting and Case Management Task Force Meeting | (15) mentoring session with legal aid partners.  **Consultant need to summit**  Mentoring session report | 15/11/2021 to 15/05/2022 |  |
| 4. **Data collection and management**   * Recording the cases by using UNICEF Legal case management data sheet * Reporting weekly the number of clients who are supported starting from the contract | * Weekly report for Legal case management data sheet and * Weekly report total number of the clients | | |

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| **Budget Year:** | **Requesting Section/Issuing Office:** | | **Reasons why consultancy cannot be done by staff:**  Staff from Justice cluster under the child protection section are occupied with the programme management (esp. monitoring the situation of the child right violations, management of partnership agreement, consolidating data) and overall monitoring of the current political situation, and not responding to legal aid needs of individual children. | | | |
| *2021-2022* | *Child Protection section, Myanmar* | | Moreover, to perform the tasks detailed in the ToR requires a valid Lawyer’s License. UNICEF does not have any practicing lawyers in the team.  Hence we need to hire a practicing lawyer who will be able to respond to urgent needs of children in detention. | | | |
| **Included in Annual/Rolling Workplan***:*  Yes  No, please justify:  *Output (2) of Multiyear Work Plan is Key institution and services providers have increased capacity to boost the coverage and quality of specialized Child Protection on services.*  *Key Indicator for this output 2 is existence of procedures and services for children in contact with the law that are applied and delivered in line with international norms*  *To achieve this output indicator, UNICEF planed to support children protection appropriate specialized services including legal aid under activity 2.1 of MYWP.* | | | | | | |
| **Consultant sourcing:**  National  International  Both  **Consultant selection method:**  Competitive Selection (Roster)  Competitive Selection (Advertisement/Desk Review/Interview) | | | | | **Request for:**  New SSA – Individual Contract  Extension/ Amendment | |
| **If Extension, Justification for extension:** | | | | |  | |
| **Supervisor:** | | **Start Date:** | | **End Date:** | | **Number of Days (working)** |
| ***Under the supervision of the Chief of Child Protection, the consultant will work closely with the justice for children cluster under child protection unit.*** | | ***1/12/2022*** | | ***1/6/2022*** | | ***6 months , Part-time, flexible hours managed by consultant*** |

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| **Minimum Qualifications required:** | **Knowledge/Expertise/Skills required:** |
| Bachelors  Masters  PhD  Other  Enter Disciplines   * **Bachelor of Law (L.L.B)** * **Holding valid Lawyer’s License** | **Work Experience**   * At least 5 years of professional work experience in practicing law in Myanmar - including experience in court representation. * Demonstrated experience of working in the area of providing legal services for the children. * Experience of emergency contexts is desired. * Ability to work in sensitive and stressful environment. * Willingness and availability to take up the assignment immediately. |
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| **Administrative details:**  Visa assistance required:  Transportation arranged by the office: | Home Based  Office Based:  If office based, seating arrangement identified:  IT and Communication equipment required:  Internet access required: |
| Note: Data Management: National consultant is responsible for the handling the data and reporting to the UNICEF focal person. The confidentiality of the data must be followed. | | |
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