**TERMS OF REFERENCE**

**for an international consultant (P2) to provide support to UNICEF The Gambia for the strengthening of the child protection system with a focus on children on the move, Justice for Children and peace building efforts.**

|  |  |
| --- | --- |
| **Purpose:** | Provide technical support to the strengthening of the child protection system particularly in the areas of **children on the move, justice for children and peace building** |
| **Suggested Duration:** | 7 months |
| **Suggested Timeframe:** | June 2019- December 2019 |
|  |  |

* 1. **Background information on Children**

The Gambia, was ranked 172 out of 187 countries in the 2014 UN Human Development Index. With an annual growth rate of 3.3 per cent, the projected population stands at 1.9 million (National Census, 2013). The Gambia is among the few countries in sub-Saharan Africa that have registered substantial progress towards the attainment of the MDGs especially in education, health and gender, some of which have already been achieved. Trends in Infant and Under-Five Mortality Rates (IMR, U5MR) have been on the decrease as reported by the Demographic Health Survey (DHS) 2013 compared to the Multiple Indicator Cluster Survey (MICS) 2010. The data showed that between 2010 and 2013, infant mortality declined from 81 to 34 deaths per 1,000 live births. During the same period, under-five mortality declined from 109 to 54 deaths per 1,000 live births (MICS 2010 and DHS 2013).

Poverty rates in The Gambia fell from 58 percent in 2003 to 48.4 percent in 2010 (ibid). However, extreme poverty remains widespread, with nearly 40 percent of the population living on less than US$1 per person per day (GBoS, 2010).

* 1. **Context and justification**

The Gambia has the largest migration per population amounting to almost 0.5 percent of the total population a year arriving into Italy. This is a conservative estimate based on data only for Italy in 2016 (empirical). However, what is alarming is that over 30% of those Gambians migrating are adolescents. This is not unconnected to the population being very youthful, with 42% of the country’s population below age 15, and about 22% are between age 15 and age 24 and below. In 2015, 1,390 Gambian children undertook dangerous journeys through the Mediterranean to Europe. In 2016, out of 181,436 arrivals in Italy via the Central Mediterranean Route, 28,223 or nearly 16% were children. Nine out of ten children who crossed the Mediterranean last year were unaccompanied. Gambian unaccompanied and separated children who reach Italy are mainly from 3 regions of departure, namely Greater Banjul Area, North Bank Region and Western River, however, rural to urban migration within the country fuels external migration and as such, the scope of the problem is nationwide. Partial data from 2017 inform that 31 Gambian children identified in the ECOWAS region were reintegrated in The Gambia. 183 children from the ECOWAS region were identified in The Gambia and reintegrated in their country of origin. 56 national children on the move were identified and reintegrated in The Gambia (internal movement).

Child mobility in the region can be either internal (mainly for educational reasons, including the phenomenon of Talibe children pursuing religious education; or in search of socio-economic opportunities) or transnational (mostly involving children moving between bordering countries in search of socio-economic opportunities, or in transit to other countries (including Europe)). It can be voluntary or forced, direct or through intermediaries/human traffickers. In a considerable number of cases, when internal mobility is not successful, children may subsequently decide to move across borders, or even towards Europe. Most Children on the Move (CoM) in The Gambia have been identified to be from the sub-region, namely Senegal, Mali, Guinea Bissau, Guinea Conakry and Nigeria, and are either in transit or have moved to the country as their destination. Moreover, all six countries are seeing increasing numbers of returning migrants, mainly from Libya. For instance, between January and March 2018, 79 unaccompanied children have been returned from Libya to their country of origin in Guinea.

UNICEF has been working with two donors to strengthen the protection for children on the move and to facilitate the reintegration of returnee children. The program addresses both external and internal migration related issues.

In 2016, the MoJ in collaboration with UNICEF conducted a rapid assessment of the child justice system in The Gambia to unveil the problems and recommend solutions to improve the system and meet international standards as enshrined in the laws of The Gambia. There is currently no specific data on the nature and extent of child offending and victims of human rights violations in The Gambia. According to security personnel and judicial officers the crimes committed by children include theft, assault, drug abuse, rape and incest. According to personnel working in the Children’s Courts, there is a rise in the number of defilement and rape cases, house breaking, assault, murder and drug abuse cases. The assessment highlighted the fact that The Gambia, in accordance with its obligations under the CRC, has developed a separate and distinct justice system for children who come into conflict with the law. Specialised children’s courts, child welfare units in the Police Force and Ministry of Justice, along with specific roles for social workers from the DSW all work together on cases where children are in contact with the law. While the legislation and structures are in place, the system is beset by a lack of resources, skills, qualifications and coordination between actors which hinders effective implementation and affects the experience of children in contact with the law. The UN and the MoJ reported that the judicial actors and community leaders have limited training on child rights, child justice administration, child protection, child friendly interviewing skills or the Children’s Act. Resource constraints, forum shopping among courts and tribunals, lack of awareness and data collection mean that the rights of both children in conflict and contact with the law can be neglected or breached at all stages of the child justice system. To ensure a proper transition to a newly democratic government and sound institutions capable of delivering fair and equitable justice, dedicated budget lines, departmental policies and an investment in training and education are needed to improve the capacities and coordination of the various stakeholders and thereby ensure children’s rights are respected throughout the system.

* 1. **Objectives**

Given the importance of strengthening the child protection system and offer efficient protection of children on the move and given the important of establishing a good access to Justice for children, and the current lack of legal expertise in the PIC section, UNICEF is looking for a consultant expert to support its work in both areas of child protection system with focus on children on the move, and Justice for children.

The objectives of the Consultancy are is to assist UNICEF to support strengthening of the child protection system to address all child rights issues. Focus will be on Children on the Move and Justice for children, including supporting UNICEF in developing a transitional justice programme that address children issues in all steps, including truth telling, prosecution, reparation and institutional reform.

Specific objectives:

* Support the organization of training and delivering of psycho social services to vulnerable children, including children on the move
* Support the integration of Child sensitive social protection mechanisms within the existing Family Strengthening and Life Skills and Community Support Programmes to facilitate the reintegration of repatriated unaccompanied and separated children within family or alternative care placements to ensure their basic needs, education, well-being and protection from further or re-migration, child labour, child trafficking and other forms of exploitation
* Support the WAN-CEDAG life skills and community support projects aimed at strengthening the resilience of affected children and youth, their families, and communities through activities that foster the development of repatriated children in ways that enable their reintegration. This includes vocational skills training, enrolment in formal and informal education, mentorship household counselling visits, and community-based initiatives such as the provision of material resources that can benefit the entire community.
* Support the development of an integrated communication strategy towards children on the move
* Support UNICEF for the revision of the children act and other pieces of legisaltion
* Support UNICEF for the training of Magistrates and judges on children in conflict with the law
* Support UNICEF in providing assistance to the development of mobile legal aid clinic service to ensure access to justice to all children
* Support UNICEF to assist the MOJ in developing the TRRC internal regulations and strategy and set up thematic Committee on child protection, Victim and witnesses support unit and recording system
  1. **Roles and Responsibilities**

The consultant will work under the supervision of the Chief of Protection and Inclusion of Children section.

|  |  |  |
| --- | --- | --- |
| Tasks | Deliverables | Timeframe |
| * Support the strengthening of the Child Protection System | Review all documents en relation with the setting of the case management system.  Participate in all discussions and training for the case management,  Participate in all capacity building sessions for child protection workforce, including the psycho social support for children | June to December 2019 |
| * Support in the programming of all children on the move related activities | Support strategy, implementation, and monitoring of implementation for all Children on the move Programming  Support the reporting of all activities in relation to the children on the move program | June to December 2019 |
| * Provide technical and legal support for all matters related to Access to Justice and Transitional Justice | Support the elaboration of training documents for the justice sector  Participate in all capacity building activities for the Justice sector  Support the elaboration of the CRC Report | June to December 2019 |
| * Consult and advice on all legal documents in relation to children | Support revision of the children’s act, the disability Act, and the Birth Registration, Marriage, and death Act | June to December 2019 |
|  |  |  |

* 1. **Methodology**

The consultant will be present at the office every working day. He will participate in monitoring missions with the staff. He will be provided transport and DSA for the mission.

* 1. **General Conditions: Procedures, Logistics, and Ethics**
* It is an office-based assignment. The consultant will be provided an office space in UNICEF CO in The Gambia.
* During the first few weeks, UNICEF The Gambia will introduce the consultant to the relevant stakeholders and public institutions.
* The consultant is bound by all UNICEF rules and ethics regulations in the conduction of his work
* The consultant is held by strict confidentiality rule regarding all aspect of his work with UNICEF
  1. **Qualifications required**

The consultant

An advanced University degree in international development, human rights, international law or other social science field is required

·       A minimum of 3 years of professional experience in designing, implementation and management of humanitarian programme,

·       Excellent communication skills

·       Proven ability to work as part of a team

·       Demonstrated ability to work in a multicultural environment and establish harmonious and effective working relationships