

## UNICEF Moldova

### Terms of Reference

#### **Technical support to the Ministry of Justice and the National Bureau of Statistics to review the indicators on access to justice for children and to provide recommendations to further harmonize national data collection systems and mechanisms for quality of data**

**Type:** National Individual Consultancy

**Location:** Chisinau, Republic of Moldova

**Duration and timeline:** December 2020 – March 2021 (45 working days)

### 1. Background

UNICEF has a mandate to safeguard the rights of all children, which is rooted in the 1989 Convention on the Rights of the Child (CRC), applicable to every child, and since 2015 also in the Sustainable Development Goals (SDGs). UNICEF works in Europe and Central Asia to ensure that no child is left out of progress and plans to fulfil their rights and potential of development, that every child has a supportive family environment, access to justice and is protected from violence, abuse and exploitation. An important area of work of UNICEF consists of strengthening child protection systems to safeguard all children and their families from a large spectrum of risks.

UNICEF Europe and Central Asia Regional Office (ECA RO) is leading the preparation of the Statistical Manual for a Core Set of Child Protection Indicators in Europe and Central Asia (hereinafter the Statistical Manual) that offers National Statistical Offices (NSOs), line Ministries and other child protection authorities and stakeholders, the practical guidance and tools for the collection of child protection data that is essential for monitoring the overall functioning and strength of child protection systems in countries across the region of Europe and Central Asia. The first draft of the Statistical Manual is the result of an extensive desk review, and several consultations within UNICEF, Governments and NSOs in the region, including external partners. The first edition of the Manual will be published upon the completion of in-depth testing of related indicators Republic of Moldova is a part of, so this will serve to validate the feasibility in providing qualitative and timely collection and accessibility of data on justice for children and to identify the existing gaps.

The UN Committee on the Rights of the Child, in the Concluding observations on the combined fourth and fifth periodic report of the Republic of Moldova (2017) reiterated its earlier recommendations to strengthen the child data collection system so that it covers all areas of the Convention, especially those on vulnerable children and child victims. The Committee recommended the Republic of Moldova to use this data for the formulation, monitoring and evaluation of national child protection policy documents.

In order to improve the collection of data on children in the justice system, the Rolling Work Plan for 2020-2021, signed by the Ministry of Justice of the Republic of Moldova (MJ) and UNICEF, includes specific activities for supporting the improvement of the national data collection mechanism on justice for children: support the assessment of existing data collection mechanisms and update/implement a new set of indicators on justice for children.

In 2014, an inter-institutional working group was created by the MJ and the list of indicators was developed and approved by [the inter-ministerial Order of the Ministry of Justice and the Ministry of Internal Affairs no. 19/16, January 26, 2015](#). Yet, there is room for improving the mechanism and to harmonise the data collected by different agencies and ministries i.e. the Ministry of Internal Affairs (MIA), the General Prosecutor's Office (GPO), the Ministry of Justice, as information is sometimes fragmented and dispersed.

Existing statistics cover both child victims / witnesses of crimes and children who have committed crimes with the following disaggregation available for some of the indicators such as age, sex, area (urban/rural), education, and family environment. Each institution uses its own IT or paper-based data collection systems. Consequently, the collected data is not fully compatible and comparable. This generates accuracy related issues and, consequently, difficulties in data analysis with reports available to track the progress on key justice for children indicators that need to be revised in line with the latest developments and standards.

Juvenile justice statistics are regularly disseminated by the National Bureau of Statistics through [Statistical Data Bank](#), thematic publication '[Children of Moldova](#)', [infographics](#), and [brief analytical notes](#).

To address existing data gaps and inconsistencies, there is a need to review existing indicators, definitions and data collection flows pertaining to justice for children, in line with the the Statistical Manual for a Core Set of Child Protection Indicators in Europe and Central Asia, considering country realities, needs and available international practice.

### 2. Purpose of the assignment

The purpose of this consultancy is to provide technical support to the Ministry of Justice and the National Bureau of Statistics to analyze the current situation in justice for children statistics and to develop recommendations to improve data collection, quality and dissemination in accordance with the national needs and international recommendations. The exercise will further contribute

to regular monitoring of the situation, promote and strengthen a child friendly justice system, and sustain UNICEF's advocacy efforts and its support to the MJ and NBS to enhance availability of data on children.

### Objectives of the consultancy

The objectives of the consultancy are twofold:

- (i) to conduct feasibility assessment of national capacities to collect and aggregate quality data to report on the selected indicators on access to justice for children ( Annex A), in line with the definitions and metadata provided for in the Statistical Manual for a Core Set of Child Protection Indicators (which will also inform the finalization of the Statistical Manual);
- (ii) to review the approved list of indicators ([the inter-ministerial Order of the Ministry of Justice and the Ministry of Internal Affairs no. 19/16, January 26, 2015](#)), data collection systems and mechanisms, and to develop a comprehensive set of disaggregated indicators with definitions and metadata, considering the quality standards set forth in the draft Statistical Manual and other relevant data collection and availability related developments to respond to the needs of key stakeholders at national level and ensure qualitative data suitable for international comparability.

As the results of the assessment, a reporting matrix will be developed (the standard template of the matrix will be provided by UNICEF and can be adapted by the NSO), including detailed recommendations and actions to strengthen the administrative data systems to regularly provide quality and timely data on Justice for children statistics. The list of recommendations will be developed to further improve data collection in the area of juvenile justice.

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

Under the first objective 'Statistical Manual testing exercise', Part A, the consultant will be responsible to complete the following tasks:

- Explain and discuss with the Ministry of Justice, the National Bureau of Statistics other relevant stakeholders, the process and outcomes of the validation exercise (testing);
- Conduct consultative meetings with all stakeholders to review the indicators metadata, receive and provide feedback on clarity of indicators, sources of data, methods for collecting such data and overall availability and quality of data to report and or monitor each of the indicators proposed in the Statistical Manual;
- Review justice for children data system(s) and tools that are in place for systematic data collection and analysis, data that are currently being collected and reported at national and subnational levels by the different stakeholders (the Ministry of Justice, the National Bureau of Statistics, Ministry of Internal Affairs, other ministries and agencies, NGOs, universities / academia, local authorities and others as appropriate);
- Review the data flows, gaps, challenges and tools used to produce estimates for the key Indicators on Access to Justice for Children and to report and communicate them in a timely and user-friendly manner;
- Assess the National Bureau of Statistics capacity and role to coordinate with line ministries to obtain, validate and publish regular updates for the key Justice for children indicators;
- Assess the actual and potential capacities of the Ministry of Justice, other partners and organizations, to provide support in populating different parts of the data system related to justice for children;
- Collect and input into the Statistical Manual all the available data as per the guidance provided and specificity areas where data is currently not available and/or what is available but does not meet the specifications in the Statistical Manual;
- Provide inputs for improving data systems' capacity to capture data for all relevant areas covered by the Statistical Manual.

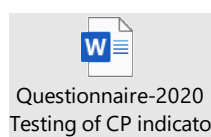
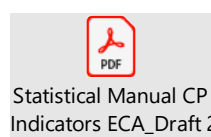
Under the second objective 'Review and update the Justice for children indicators', Part B, the consultant will complete the following tasks:

- Assess the role and responsibility of the authorities/ institutions who collect data on children, data collection systems and mechanisms (IT or paper-based), identify data sources, methods and frequency;
- Review and update the justice for children indicators, data collection systems and mechanisms, the disaggregation methods and compliance with internationally recognized collection indicators/ set of indicators;
- Develop a comprehensive set of indicators and disaggregated data on children in contact with the law (with detailed definitions and metadata) in accordance with the national needs and international indicators;
- Assess and identify possibilities to incorporate updated indicators and to interconnect data management systems;
- Analyse the use of the collected data for the formulation, monitoring and evaluation of national child related policy documents;
- Draft recommendations for enduring greater compatibility and comparability of collected data; criteria and indicators for disaggregated data collection; meaningful use of data and potential for further data management system development.

As some of the tasks under Part A and Part B are similar, e.g. consultation process, review the data flows etc., the combination of respective activities should be considered when relevant, to make work process more efficient.

## Methodology

The two objectives of the consultancy are interconnected, and the above-mentioned tasks will be considered in their complexity. Under the Statistical Manual testing exercise, the UNICEF ECA RO guidance and methodology will be utilized (the Statistical manual, data collection tools and reporting matrix could be found below).



A mixed-method approach will be necessary: a desk-review of data collection systems and mechanisms, including the existing reports; secondary analysis of the indicators and the disaggregation of data, including the periodicity of collecting; and key informant interviews and/or focus group discussions with relevant stakeholders from state bodies and civil society. The consultant will develop a comprehensive methodology based on which the assessment will be performed.

### Final outcomes for Part A are:

Reporting matrix, providing detailed information for each tested indicator.

### Final outcomes for Part B are:

Assessment report, that will include the analysis of:

- National policy and legal framework in the field of justice for children data collection;
- Capacity of the country to manage the indicators and to ensure data quality;
- Availability of the selected indicators for testing in line with the draft manual;
- The systems and mechanisms for data collection on children;
- Data analysis, dissemination and use;
- Conclusions and recommendations;
- Set of disaggregated indicators on children in contact with the law:
  - o definition and description of the indicators, metadata;
  - o data sources and responsible agencies;
  - o tools for collecting data.

The Assessment is to be carried out under the supervision of the UNICEF Moldova Monitoring and Evaluation Specialist and Child Protection Specialist, in close and regular consultations with the NBS, MJ, GPO, MIA, Ombudsperson for Children and other relevant public bodies mandated with competencies in justice for children area. The Consultant shall also consult with relevant civil society organizations. The assessment is to be presented to and approved by the named parties.

## 4. Deliverables and timeframe

| Tasks  | Deliverables   | Timeline, working days |
|--|--|------------------------|
| Develop a comprehensive plan on how the work will be completed and Inception report, that will include timeline, detailed methodology, data collection tools and stakeholders mapping                                  | Inception Report   | 5 days                 |
| Organize an inception meeting involving all the stakeholders and a consultation with data producers, managers and users (interviews and discussions with the representatives of responsible agencies, ministries etc.) | Participants list and list of interviewed people   | 10 days                |
| Validate the results of the consultations and feed them into Reporting matrix (in English)   | <b>Reporting Matrix (in English)</b> , including detailed information on each tested indicator - to be shared with UNICEF ECA RO | 5 days                 |
| Draft Assessment report on review/update the justice for children indicators (in Romanian)   | <b>Draft Report (in Romanian)</b> - to be shared with UNICEF and partners  | 10 days                |
| Elaborate draft Set of disaggregated indicators for data collected on children in contact with the law, including definition and description of indicators, responsible agencies etc. (in Romanian)                    | <b>Draft Set of indicators (in Romanian)</b> - to be shared with UNICEF and partners   | 10 days                |

|  |  |                 |
|--|--|-----------------|
| Present the findings and recommendations to NBS, MJ, MIA, GPO, UNICEF and partners during a validation workshop, incorporate the received feedback and finalize the assessment report (up to 40 pages, not including Annexes) , including Executive Summary of key findings (up to 6 pages) and Annex 'Final Set of indicators' (in both Romanian and English) | <b>Validation meeting and Visual presentation</b> of the results of the assignment (PowerPoint presentation in Romanian and English)<br><br><b>Final assessment report (in Romanian and English)</b> | 5 days          |
| <b>Total:</b>  |  | 45 working days |

\* Exact deadlines will be mutually agreed upon contract signature.

Payments will be rendered upon successful completion of each task, as per the schedule outlined above.

## 5. Reporting requirements

The Consultant will work under direct supervision of the Monitoring and Evaluation Specialist and Child Protection Specialist of UNICEF Moldova. UNICEF will regularly communicate with the Consultants and provide tools for testing exercise, formats for reports, feedback and guidance on performance and all other necessary support to achieve objectives of the assignment, as well as remain aware of any upcoming issues related to Consultant performance and the quality of work. All the activities and deliverables undertaken by the Consultant shall be discussed and planned in consultation with UNICEF.

Each product will be subject to UNICEF review before approval. All deliverables need to be submitted in electronic format (Word) in the languages specified above. The Consultant will ensure translation into English of all final deliverables as outlined above. The costs of the translations (if needed) must be reflected in the financial proposal, with the amount transferred to the Consultant.

## 6. 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 in cooperation and communication with UNICEF and counterparts.

## 7. Qualifications and experience

- Master's Degree or equivalent (5-year university education) in law, human rights, social policy, economics, statistics or other relevant studies;
- A minimum of 4 years of professional experience in the field of child rights/protection;
- Analytical capacity and proven experience in quantitative and qualitative analysis of statistical data in the area of social statistics (excerpts of relevant documents need to be attached – max. 20 pages);
- Demonstrated extensive knowledge of national and international law, in particular as concerns child friendly justice;
- Experience in working with international organizations (working with UNICEF/other UN Agencies is an asset);
- Fluency in English and Romanian

## 8. Content of technical proposal

- Relevant experience with similar type of assignments (max 300 words);
- Proposed approach and methodology (max 1500 words), including:
  - Timeline and milestones;
  - Risk and mitigation measures;
  - Ethical considerations and how the consultant will address them.
- Annex: Short Sample or links to related work previously conducted by the consultant

In addition, please provide a *Curriculum Vitae*.

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

## 9. Content of financial proposal

The applicants should fill in the Financial Offer Template and specify the consultancy fee, per day of work, requested for the tasks described in the Terms of Reference in USD.

The final selection will be based on the principle of "best value for money" i.e. achieving desired outcome at lowest possible fee.

If not provided by ToR, UNICEF will not reimburse costs that are not directly related to the assignment. This contract does not allow payment of off-hours, medical insurance, taxes, and sick leave.

UNICEF reserves the right to withhold all or a portion of the payment if performance is unsatisfactory, if work/output is incomplete, not delivered or for failure to meet the agreed deadlines.

MDL will serve as contract currency, converted at the UN exchange rate applicable at contract signature date.

#### **10. Evaluation criteria for selection**

The consultant is expected to reflect in the application submission the qualifications, knowledge and experience related to the requirements listed above. Technical evaluation will be performed through a desk review of applications, evaluation of technical proposals, and if necessary, may be supplemented by an interview.

The selection process is aimed at selecting the applicant who obtains the highest cumulative score (technical evaluation + financial offer evaluation points) following "best value for money" principle.

#### **11. Work location and official travel involved**

Under this assignment, no travel is envisaged for the national consultant. Considering the time period for implementation of the assignment and existing COVID-19 restrictions, all the tasks must be planned to be performed remotely, unless the situation will change, and face-to-face meetings are possible.

#### **12. Payment Schedule**

The payment will be done in three tranches, according to the following schedule. All deliverables must be delivered on time and to the satisfaction of UNICEF Moldova.

| Deliverable (completed according to the timeline agreed upon with UNICEF)   | Proportion of payment |
|---|-----------------------|
| <ul style="list-style-type: none"><li>Inception Report and Reporting Matrix</li></ul>                               | 30%                   |
| <ul style="list-style-type: none"><li>Draft Report and Draft Set of Indicators</li></ul>                            | 40%                   |
| <ul style="list-style-type: none"><li>Validation meeting, Visual presentation and Final assessment report</li></ul> | 30%                   |

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

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

UNICEF will facilitate the contact with the National Bureau of Statistics, Ministry of Justice, Ministry of the Interior and General Inspectorate of Police, Prosecutor General's Office, Superior Council of the Magistrates, National Inspectorate of Probation, National Council for State Guaranteed Legal Aid, Ombudsperson for Children, and other relevant stakeholders, and will provide timely feedback to all deliverables to be presented by the Consultant. UNICEF will provide with relevant data, documents and available researches; contacts and lists of relevant technical people to work with.

#### **14. Ethical considerations**

The Consultant will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines<sup>1</sup>. The Consultant should be sensitive to beliefs, manners and customs and act with integrity and honesty while interacting with stakeholders and beneficiaries. Furthermore, the Consultant 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 Consultant is allowed to use documents and information provided only for the tasks related to these terms of reference.

As per the DHR PROCEDURE ON CONSULTANTS AND INDIVIDUAL CONSULTANTS, together with the Notification letter, the consultant will be sent the link on Agora containing UNICEF policies on Prohibiting and Combatting Fraud and Corruption; Prohibition of discrimination, harassment, sexual harassment and abuse of authority and other relevant policies for their information and acknowledgment. The selected candidate must complete the applicable mandatory online courses on UNICEF's learning platform prior to signature of contract. All certificates should be presented as part of the contract.

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<sup>1</sup> UNEG Guidelines <http://www.uneval.org/document/detail/102>

## Annex A

### List of Indicators on Access to Justice for Children for validation and testing

#### CHILD VICTIMS AND WITNESSES OF CRIME

- Percentage of child victims of crime whose cases were tried in court during the year
- Percentage of child victims of crime whose cases resulted in a final criminal conviction during the year
- Rate of child witnesses of crime registered by the police during the year (per 100,000)

#### DIVERSION, SENTENCING AND DETENTION OF CHILDREN

- Unsentenced detainees as a proportion of overall prison population (SDG 16.3.2)
- Duration of pre-sentence detention
- Duration of sentenced detention
- Percentage of children sentenced with alternative measures during the year

#### ACCESS TO INDEPENDENT HUMAN RIGHTS MECAHNISMS

- Number of children who brought or on whose behalf a complaint was brought to independent human rights mechanisms during the year

*Statistical Manual for a Core Set of Child Protection Indicators in Europe and Central Asia will be used as the key reference of indicators definitions and metadata guiding the testing process.*

*The test consists broadly of a feasibility assessment of capacities to collect and aggregate quality data to report on the selected indicators for testing, in the terms that they and their metadata are defined in the manual.*

*UNICEF Head Quarters and UNICEF Europe and Central Asia Regional Office will provide technical support to the process, through collaboration with the UNICEF Moldova Country Office.*