Annex 1

**National/International Consultancy Service to Conduct Business Impact Analysis (BIA) on Children, Adolescents and Young People in Ukraine**

BACKGROUND AND CONTEXT

The business sector plays an important role in the well-being of children in the community in which they operate. Businesses have a strong impact on the life of their employees, their consumers, their suppliers, and on the communities they serve. From determining the working conditions, health coverage, training and employability of workers, to the environmental impact of their operations on the community, and the taxes levied by public authorities, business organizations have a critical impact on children’s and society’s well-being. According to Forbes the total revenue of the 100 largest private companies in Ukraine amounted to UAH 2.15 trillion, which is equal to 54% of Ukraine's GDP last year. The top 100 private companies employ 665,000 people.”

The [United Nations Guiding Principles on Business and Human Rights](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (UNGPs) clarifies the responsibility of business to respect human rights. It sets out **children,** alongside indigenous people, women and migrant workers (among others), as a particularly vulnerable group of rights holders, who may require particular attention from business as part of their human rights due diligence responsibilities. This puts an obligation on businesses to ‘go beyond compliance audits’ and to carry out comprehensive impact assessments which integrate a consideration for children’s rights, as well as other vulnerable stakeholders. This is not easy and businesses are not always resourced to carry out this sort of due diligence.

Despite the existence of international standards and expectations, only a very limited number of businesses have adopted human rights polices and even fewer have specific child rights policies. Most corporate responsibility related activities that are undertaken have an ad hoc character and are not part of the long-term company strategy.

There are many reasons for this and the following two seem to be the most important: 1) small and medium enterprises often lack organizational and financial capacities to strategically approach their corporate responsibilities and 2) lack of institutional support in the forms of adequate legislation that would stimulate companies taking their human rights impacts, ands more specifically, children’s rights impacts seriously.

Understanding business as one of the key stakeholders – along with government, civil society and local communities – has implications for UNICEF’s programme planning, design and implementation. The potential role, contribution and impact of the business sector with regard to child rights and wellbeing must be understood as part of the broader analysis of the situation of children in the country (SitAn) which underpins the development of the next Country Programme, to ensure that business engagement is an integral part of the UNICEF programme strategy.

As the new Country Programme cycle (2022-2026) approaches, there is a growing need to update the situation analysis and provide UNICEF and its partners with new, robust evidence on the situation of business impact on children, adolescents and young people in the country, particularly the most vulnerable, to inform programme decisions and guide policy advocacy and partnership efforts, as well as to track progress of child rights implementation.

In view of the above, UNICEF Ukraine is seeking the services of a national/international consultancy to **develop a Business Impact Analysis (BIA)** using available evidence, while giving due consideration to the [Sustainable Development Goals (SDG) agenda](https://sustainabledevelopment.un.org/?menu=1300), UNICEF Ukraine [Country Program Document 2018 - 2022](https://www.unicef.org/about/execboard/files/2017-PL9-Ukraine-CPD-ODS-EN.pdf), and main national and global priorities, as well as the impact of the COVID-19 pandemic.

PURPOSE AND OBJECTIVES

The main purpose of this assignment is to conduct a human-rights based analysis to assess the impact of the Ukrainian business sector on children/adolescent/young people’s rights. The analysis should examine the business sector’s potential and actual impacts children’s rights in Ukraine, with a particular focus the most vulnerable children. The Analysis should be objective and verifiable, and is expected to be used by all partners and stakeholders in the country in addressing key challenges preventing children, adolescents and young people, especially the most disadvantaged, from enjoying their rights as enshrined in the Convention on the Rights of the Child (CRC) and other international legal instruments to which the country has committed.

The BIA aims to highlight key positive and negative impacts of the business sector on children, adolescents and young people, to identify potential areas for accelerating business engagement and contribution to the rights and well-being of all children in Ukraine, especially the most vulnerable.

The **main objectives** of a **Business Impact Analysis on Children, Adolescents and Young People in Ukraine** are the following:

* Identify and analyse practices, actions or inactions of the business sector in Ukraine that prevent children, adolescents, young people and families, especially the most disadvantaged, realizing and enjoying their rights.
* Identify and analyse practices and activities of the business sector in Ukraine that have a positive impact on the well-being of children, adolescents and young people, and indicate models that would allow the promotion and strengthening of such practises and activities.
* Analyse to what extent there is an enabling environment (i.e. laws, policies and regulations) in Ukraine, to engage the business sector in the realization of the rights of all children, adolescents and young people, and analyse if and how child-and youth-friendly business policies are incentivized or embedded in national policies, laws, strategies, plans and budgets.
* Capture new or emerging areas of concern regarding business impact on children, adolescents and young people, such as COVID-19 response and recovery implications (unemployment, digitalization, online safety, mental health, etc.), environmental and climate issues, etc.
* Analyze business roles and motivations, their accountability and their capacity to act
* Assess the level of awareness of the business sector with regards to corporate responsibility, as well as the potential of working together with the private sector to improve children's rights in Ukraine, particularly in areas of UNICEF's programme priorities.
* Identify pathways to influence individual businesses or industry for programme, policy, advocacy and fundraising

METHODOLOGY AND TECHNICAL APPROACH

The BIA should adopt the following indicative framework:

*Conceptual framework*

The overall conceptual framework of the Business Impact Analysis is the [*Children’s Rights and Business Principles*](https://www.unicef.org/csr/12.htm)*[[1]](#footnote-1)* issued by [UNICEF, Save the Children and UN Global Compact in 2012](https://www.unicef.org/csr/12.htm), based on the UN Guiding Principles on Business and Human Rights.

The framework should integrate the various elements of the situation analysis and should look at how and in what way children’s rights can be significantly impacted by business operations. The analysis should map the structural determinants (e.g., economic systems and norms), bottlenecks and barriers and business practices and opportunities that can be critical to achieve positive outcomes for children. It should assess the role and motivation of business in addressing the problem and their accountability and capacity to act. When analyzing the enabling environment, an examination of laws, policies and regulations on private sector actors, it is also required to understand the incentives, gaps and constraints that significantly influence or determine business practices and their impacts on children, and in what way influencing policy and regulation would be important to address business impacts on children’s rights.

Finally, the business ecosystem should be examined as part of the stakeholder analysis when mapping the key business sectors, prominent companies and relevant business players (e.g., regulators, industry associations, chambers of commerce, government ministries and civil society organizations). This will be important for understanding the ways through which UNICEF can influence individual businesses and industries more widely, to leverage existing initiatives and to engage strategically with the different stakeholders

KEY QUESTIONS IN THE ANALYSIS

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| --- | --- |
| Causality Analysis | Are businesses providing products and services that put children at risk?   * Do business operations and practices and practices have a major impact (directly or indirectly) on children’s rights and well-being (e.g. employment practices)? * How do the main goods, consumer products and services that are produced by business have an impact on women, children and adolescents, both positively and negatively? * Is there a shortfall for a product or service that could contribute to the welfare of vulnerable population groups where the private sector could play a role? * Is there a part of the country where children are more vulnerable due to a strong presence of a company, sector or industry? * Are educational, health or other services relevant for children, provided by the private sector in the country? |
| Role pattern and capacity analysis | * How do child rights deprivations, derived from business practices, actions or inactions manifest themselves? * What types/sectors of business cause these deprivations? * What role do businesses play in the identified deprivation? Can businesses do something to help solve the identified issue? * How can business help to solve child deprivations other than those resulting from business activities? * Do businesses provide a child-friendly lens to their work? * Do businesses provide a child-friendly lens in their management of staff and related policies? * Are businesses partnering/providing needed skills and employment to young people, including the most vulnerable? * Can business and business leaders’ proactively engage in policy and public advocacy on a variety of human rights and environment related issues? * Do businesses have the knowledge, skills and resources in solving the identified issue? |
| Stakeholder analysis | * What is the size, structure and composition (microbusiness, SMEs, larger corporations) of the private sector in the economy? What is the weight of the formal vs informal economy? What is the workforce distribution and composition (formal/informal, by sector, by gender)? * What are the key business sectors, major companies, business associations, business networks and other relevant stakeholders operating in the business space? What is their location? * What is the performance and relevance of these businesses sectors in relation to realizing children’s and women’s rights (e.g. impacts on working parents, youth workers, child labour, marketing towards children, impacts of products, to the community, to the environment)? * How could these identified business sectors contribute to children wellbeing? * What are the key associations/civil society/other stakeholders that work on children’s rights and business which can be instrumental in UNICEF’s work with business? * Are there businesses functioning on regional or international level which could be a subject of UNICEF multi-county initiatives? * What role has the business sector played in the COVID-19 response that may also have an impact on children’s rights? |
| Analysis of business enabling environment | * Does the government promote, regulate, engage or legislate business and their social and environmental impact? * What regulations exist, and what are the gaps in regulations? For instance, has the government signed and ratified relevant international children’s rights legal instruments? What other relevant children’s rights standards and initiatives has the government signed, engaged with or otherwise endorsed? * What is the policy of the government with respect to strategic industries? * Is there a law/regulation requiring companies to conduct due diligence processes (public companies, general or in a specific sector?) * What are the power relations between business and government leaders in terms of influence on society? * What requirements are in place for officials to consider impacts on children’s rights in engaging in commercial relations or supporting or investing in business activity with public funds? When involving the private sector in the provision of essential services for children, what legal and administrative frameworks ensure the ongoing accessibility, affordability, equity, and quality of services provided? * What sustainability initiatives exist for business to ensure child/adolescents rights fulfilment? * Are there examples of sector-wide agreements/policies/alignment on social issues within business (not imposed by Governments)? Are there specialized groups/organization managing this knowledge? * Are there specific initiatives in the private sector on the implementation of the Sustainable Development Goals that may have an impact on children’s rights? Could these be an entry point for UNICEF engagement with business? * What are the EU accession requirements in terms of regulating business impact on society and environment (EU directive 2014/95/EU on Corporate Non-financial reporting) and how may these influence the behavior of Ukraine’s businesses? * What are possible pathways to influence individual businesses or industry for programme, policy and advocacy? |

*Methodology*

The consultancy will primarily rely on secondary data analysis, while limited primary data collection from major private sector representatives and associations (European Business Association, AmCham, etc.) and other key informants may occur. This will specifically include:

* *Online survey* on CRB conducted jointly with the European Business Association
* *Online interviews with selected private sector representatives and business association on existing trends and available opportunities*
* *Desk review* of existing nationally and internationally available data and evidence on selected topics published in studies, research, evaluation and survey reports
* *Desk review* of data, programme reports and analysis generated by UNICEF, including studies, research and evaluations.
* *Desk review and comparative analysis* of available legislation, policies, government strategies and budget allocation and analysis of relevant documents and practices in other countries.

**The methodology for data collection and analysis and the process of documentation should enable the periodic update of the business impact analysis. The consultancy shall collaborate closely with the expert team working on the analysis of the situation of children in the country (SitAn) which is conducted in parallel in order to achieve synergetic effects so that the BIA can be incorporated in the comprehensive SitAn.**

The consultancy is required to propose a more precise methodology within the inception phase.

*Stages of the business impact analysis (exact timeframe to be agreed with consultants)*:

**Within the assignment the consultants should be engaged in establishing a dialogue with all relevant stakeholders that can contribute to the business impact analysis development. This entire process of consultations will be supported by the UNICEF CO.**

1. Inception phase:

* Initial desk review to assess availability of data/information
* Development of a final conceptual framework for the BIA and specific tools for data collection.
* Presentation of the conceptual framework and the tools to UNICEF to facilitate an in-depth common understanding of the framework
* Presentation of an inception report, including finalized conceptual framework and methodology.

2. Data collection and analysis:

* Data collection and online interviews a in-depth desk-review of existing evidence regarding the role of the business sector in children’s wellbeing, and the meaningful participation of children and adolescents should be collected and analysed.
* A series of online interviews with leading companies and business associatons
* Analysis of relevant national strategies and planning documents, policies and budgets.
* Secondary analysis of available data/information.

3. Reporting:

* Development of draft reports - comprehensive Business Impact Analysis
* Development of final, comprehensive report for internal use,
* Development of a user, and business-friendly, summary document for public distribution.

ACTIVITIES AND TASKS

The consultant is expected to produce and submit the following deliverables:

* BIA inception report, including a slide deck with key information
* Preliminary report on key findings and conclusions; up to 30 pages
* Draft BIA reports
  1. Comprehensive BIA report – up to 30 pages
  2. Summary BIA Report– cca. 5 pages
  3. Power point presentation of key findings
* Final BIA reports (Comprehensive and Summary).

In addition, for the purpose of reviewing, discussing and validating submitted materials, consultants will be requested to deliver power point presentations to UNICEF and other partners based on the Business Impact Analysis. Therefore, a total of two presentations are expected (on Inception report and on Draft Report BIA report/validation presentation).

Inputs on submitted inception and draft reports provided by UNICEF and other stakeholders should be addressed in the process and final documents.

All submissions should be electronic. All materials submitted to UNICEF should be delivered in English, while preliminary report on key findings and conclusions, Summary BIA Report and PPTs should be submitted in both, English and Ukrainian language.

The consultant may be requested to present the results on the study at the UNICEF-supported events with local stakeholders

5. MANAGEMENT AND ORGANISATION

**Management**: The consultants will work in close consultation and under the supervision of UNICEF Ukraine relevant Programme Officer.

The evaluation of the contractor(s)’ performance will be based on:

* Quality of produced outputs;
* Compliance with the established timelines;
* Compliance with ethical UNICEF standards related to reporting on children;
* Responsibility and communication.

**Organization**: A national/international consultancy is required for this consultancy. The consultancy assignment is home based.

**Schedule**: This assignment will commence by 15th November 2020 and end on 15th January 2020.

Payments schedule for fee envisaged for this consultancy is as follows:

* First instalment: Upon UNICEF’s acceptance of submitted Inception report and deliver of Power point presentations to UNICEF and partners - 20%
* Second instalment: Upon satisfactory delivery of the draft BIA reports (comprehensive and summary report) – 40%
* Third instalments: Upon satisfactory delivery of the final BIA Reports (comprehensive and summary reports) and all planned PPT – 40%

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

The performance of the contractor will be evaluated against the set of standard indicators such as: whether all goals outlined in the ToR are met, whether deadlines established by ToR are met, technical and professional competence demonstrated, quality/quantity of work and deliverables, demonstrated initiative, responsibility, work relations, and communication.

**6. QUALIFICATIONS AND REQUIREMENTS**

The assignment is expected to be undertaken by **an national/international individual consultant** to produce the expected results.

*Ethical considerations*

Consultants are required to clearly identify any potential ethical issue, as well as the processes for ethical review and oversight of the research/data collection process in their proposal. UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis can be found at: <https://www.unicef.org/supply/files/ATTACHMENT_IV-UNICEF_Procedure_for_Ethical_Standards.PDF> and should be consistently applied throughout the research process. The procedure contains the minimum standards and required procedures for research, evaluation and data collection and analysis undertaken or commissioned by UNICEF (including activities undertaken by individual and institutional contractors, and partners) involving human subjects or the analysis of sensitive secondary data.

**7. APPLICATION AND SELECTION PROCESS**

1. Application procedure:

* To apply for the vacant position please submit [P-11 form](http://www.unicef.by/uploads/models/2016/06/p11-en.doc) through “apply” button;
* Candidates are requested to submit a financial offer as a separate document consisting of a monthly professional fee and travel costs if applicable

1. Selection Method:

All applicants will be screened against qualifications and requirements set above. Candidates fully meeting all the requirements will be further evaluated based on the criteria below.

1. Technical Criteria - Interview – 70 % of total evaluation– max. 70 points

* Education: 15 points
* Previous experience: 30 points
* Technical questions at the interview: 25 point

Only candidates who obtained at least 70% of points from the technical part (who will score at least 49 points) will be qualified for considering for financial proposal evaluation.

**2. Financial Criteria - 30 % of total evaluation – max. 30 points.**

* Financial scores will be calculated using the formula [lowest offer / financial offer of the candidate x 30].
* As part of the selection process, the office will select the individual who quoted the lowest fee from the list of individuals who are deemed suitable for achieving all tasks in time, and as per the criteria and deliverables stipulated in the Terms of Reference.

**8. REMARK:**

**Mandatory learning:** Upon concluding the recruitment process **and prior to signing the contract**, all Consultants and Individual Contractors, including those working from home, must complete the following three online courses

* **Ethics and Integrity at UNICEF**
* **Prevention of Sexual Harassment and Abuse of Authority**
* **Sexual Exploitation Abuse (PSEA)**

In addition, Consultants and Individual Contractors must complete the following course before commencement of any travel on behalf of UNICEF.

* **BSAFE security training**

The courses can be found on the following link: [UNICEF Mandatory Training/Learning Classes](https://unicef.sharepoint.com/sites/portals/hr/Pages/Learning/default.aspx) .

*UNICEF is committed to diversity and inclusion within its workforce and encourages qualified female and male candidates from all national, religious and ethnic backgrounds, including persons living with disabilities to apply.*

**Only shortlisted candidates will be contacted and advance to the next stage of the selection process;**

* UNICEF Ukraine Office holds copyrights for all reports. The documents (including raw materials, etc.) may not be reproduced, distributed or published without the written permission from UNICEF.
* UNICEF Ukraine Office will share with the selected consultant all the relevant materials it has and provide required expertise.
* UNICEF Ukraine Office and the Regional Office expert will review and provide feedback on reports prepared by consultant.
* All information from produced reports cannot be shared with the media without the written approval of UNICEF Ukraine Office.

1. <https://www.unicef.org/csr/12.htm> [↑](#footnote-ref-1)