

Terms of Reference
Individual contract

Title	National Consultant - Study on Sexual Exploitation of Children (SEC) in the mining, oil, fishing, agricultural and construction sectors in Ghana
Purpose	The purpose of the assignment is to lead a team of researchers to conduct a study on sexual exploitation of children (SEC) in areas in the country with high concentration of mining, oil, fisheries, agricultural and construction activities to generate the evidence for policy reforms and national plan of action.
Location/duty station	Ghana, Accra based- with travel to field for data collection
Duration	207 working days within 11.5 months
Expected Start Date	March 2021 – February 2022
Estimated budget	TBD
Reporting to	Child Protection Specialist (Social Welfare)
Budget Code/WBS No	1620/A0/05/806/019/005 Grant: RR/ OR
Project and activity codes	Output 19, Activity 19.5

1. Background

UNICEF works with the Government of Ghana, civil society organizations, academia and private sector partners in advancing the social and economic development of children in the most disadvantaged communities and advocating for national policies and actions that enable the most disadvantaged to be engaged and protected. Violence against children compromises a child's survival, protection and participation in activities critical to his/her development and achievement of full potential. It has adverse implications in the welfare and development of entire communities, and for the country as a whole.

Child sexual exploitation is a particularly severe form of sexual violence and a violation of a child's fundamental right to dignity and protection. The Convention on the Rights of the Child (CRC) defines it as *'The exploitative use of children in prostitution or other unlawful sexual practices; The exploitative use of children in pornographic performances and materials'*.

Child sexual exploitation has a complex nature and manifests itself in different forms and settings. A child may be coerced into a situation of sexual exploitation through physical force or threats. However, s/he may also be persuaded to engage in such sexual activity as a result of more complex and nuanced factors, including a power imbalance between the victim and the perpetrator. While any child may be sexually exploited, the conditions children live in (e.g. poverty, abuse/neglect, unaccompanied/homeless, living/working in the streets, having a disability, etc.) may heighten their vulnerability to such exploitation. Furthermore, the age and gender of a child may increase her/his vulnerability to sexual exploitation, with younger children, adolescents and particularly adolescent girls often disproportionately affected, and

older children often mistakenly assumed to be either consenting to their own abuse or not in need of protection.

“Exploitation” in this context is thus a key term, the meaning of which marks its difference from sexual violence and sexual abuse of children. The main distinction lies in the notion of ‘exchange’ involved in exploitation, and a ‘benefit’. While the phenomena of sexual exploitation and sexual violence/ sexual abuse must be distinguished, it is also important to acknowledge that there is often a considerable overlap between them. For example, many cases of child sexual abuse also involve some kind of benefit to the child/other person or exchange (especially non-tangible benefits like small gifts, attention, and affection)—often to win trust or ensure silence. Similarly, the idea of exploitation is arguably applicable to all victims of abuse in the sense of exploiting the vulnerability and lack of capacity to give informed consent of a child.

Commercial Sexual Exploitation of children (CSEC) is a form of child sexual exploitation, where the focus is specifically on monetary benefit, often relating to organized criminality where the primary driver is economic gain. This term conveys the sense that criminals and criminal networks profit from the sexual objectification of children. This can take place in the context of organized criminality and financial transactions (e.g. commercial nature of certain businesses/ websites that provide access to children for sexual exploitation and abuse, including prostitution, as well as to child sexual abuse material).

There is limited evidence in Ghana on the prevalence, manifestations and patterns of sexual exploitation of children. A Ghana country-report was released in 2015 by ECPAT Netherlands and Ghana Coalition on the Rights of the Child (GNCRC) as part of the global study on **sexual exploitation of children in the travel and tourism industry**¹. The Report highlights how in light of a growth in the travel and tourism sectors boosted in recent years by a deliberate policy of the Government of Ghana, the country has not seen a parallel effort in prevention and response to child sexual exploitation cases and public awareness.

In the Study, most of the respondents identified poverty amongst families as contributing to children’s vulnerability to sexual exploitation. Children in Ghana are reported being pushed into situations (for instance, prostitution) of trying to survive on their own as a result of poverty. Many families living in regions which abound in tourism destinations, live below the poverty line with children lacking the adequate financial support to meet their basic needs. As a result of inadequate income, some parents send their children out into the streets to sell, to supplement family incomes. Children in these circumstances are in frequent contact with persons or travelers who potentially offer money or gifts in exchange for sexual favors: *“With the increasing number of tourists visiting tourism destinations, the implication is that children, particularly girls, living in these towns or cities would become exposed to tourists, some of whom may take advantage of their comparative wealth to lure them (particularly, children from poor families) into sexual exploitation”*².

The Report further highlights that while there is general consensus that Ghana has a solid legal framework to protect children, there are serious concerns regarding the weak enforcement of laws. Further, to be noted is the fact that child sexual exploitation offences are not adequately reflected in the national normative framework, and often ‘hidden’ under other sexual abuse offences such as defilement, rape, incest, or indecent assault. This contributes to the lack/incompleteness of data on child sexual exploitation

¹ *Global Study on Sexual Exploitation of Children in Travel and Tourism- Ghana Country Report, ECPAT Netherlands, GNCRC, 2015*

² *Ibid*

in Ghana, as well as under-reporting (police statistics do not currently reflect child sexual exploitation records).

Currently, Ghana is also faced with a data/evidence gap on the prevalence, manifestations and patterns of **sexual exploitation of children, including commercial sexual exploitation, in geographical areas impacted by fast-growing sectors such as oil, mining, fishing, agriculture and constructions**. Yet, this is an area of growing interest and public concern due to the increasing number of media, public reports and anecdotal evidence linked to incidences of child sexual exploitation in communities and towns where such commercial activities have rapidly flourished in recent years; this, due in particular to the sudden influx of finances and external workers, unequal power dynamics and access to resources which have in some instances exacerbated the vulnerability of already economically disadvantaged communities, particularly as it relates to child protection concerns (e.g. child labor, child sexual exploitation, school drop-out, adolescent pregnancy).

It is for this reason that the Ministry of Gender, Children and Social Protection (MoGCSP) and UNICEF are commissioning a **study to understand the nature, drivers and changing patterns of sexual exploitation of children (SEC) in hotspots areas in the country with high concentration of mining, oil, fisheries, agricultural and construction activities**.

UNICEF Ghana has prioritized in its 2018-2022 programme cycle of cooperation with the Government of Ghana the support to strengthening national child protection systems, with a particular focus on addressing sexual violence affecting children and adolescents, in line with GoG priorities and SDGs Goal Areas 5 and 16. UNICEF is already working with the Government of Ghana, CSOs/NGOs/FBOs partners, private sector and academia to strengthen prevention and response interventions to child neglect, abuse and exploitation across the country.

The promotion of gender equality, women empowerment and the protection of the rights of children is at the core of the mandate of the MoGCSP. Pursuant to this mandate, the MoGCSP has developed and supports the enactment and implementation of the Children's Act 1998, the Gender Policy, the Child and Family Welfare Policy, the Justice for Children Policy, the Domestic Violence Policy, and the National Framework on Ending Child Marriage 2017-2026, among others. The MoGCSP, through the Department of Children, the Department of Social Welfare, the Department of Gender, the Domestic Violence Secretariat and the Anti-Human Trafficking Secretariat is mandated to coordinate the implementation of the various policies across sectors to ensure that the rights of children and the most vulnerable are protected in accordance with national laws and policies and international protocols and conventions. The Convention on the Rights of the Child (CRC), which Ghana was the first country in the world to sign, enjoins all state parties to fight child trafficking and child sexual exploitation. However, it is important to note that Ghana is yet to ratify the *CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*.

2. Purpose of the Assignment

The Consultancy is aimed at leading a team of researchers from the Ministry of Gender, Children and Social Protection in conducting a study of sexual exploitation of children in the oil, mining, fishing, agriculture and construction sectors of Ghana. It includes inter alia the design of a study protocol and tools, and the collection and analysis of primary and secondary data. This first-hand data collection exercise is necessary since Ghana currently has no dataset on the incidence and manifestation of various forms of child sexual exploitation related to the above- mentioned sectors.

The Study is expected to provide insights into the nature, manifestations, patterns, trends and impact on child sexual exploitation as related to the activity of specified commercial sectors. The study will select one hotspot of SEC for each sector and identify areas where the oil, mining, fishing, agriculture and construction sectors are based in Ghana. The Study will further be expected to carry out analysis on the current legal and policy framework and cross-sectoral programmes and initiatives currently being implemented by Government, the Industries, NGOs and partners to address child sexual exploitation; including key challenges and gaps, lessons learnt, best practices and recommendations for the Government and UNICEF consideration in policy and programs improvement.

Study questions should include the following:

- a) What are the different forms of child sexual exploitation present around the oil, mining, fisheries, agriculture and construction sectors in Ghana?
- b) Where are the 'hotspot' areas in the country?
- c) Who are the perpetrators? Are they people (f/m) from outside the communities, what is the type of work they do, are they at a senior or junior level, are they known as abusers in the community?
- d) What are the key drivers of child sexual exploitation around those sectors?
- e) Who are the children/adolescents most at risk of sexual exploitation in hotspot areas? Are they attending school or not? Are there any age and gender specific vulnerabilities? What is the estimate of child victims/survivors?
- f) What are the patterns of child sexual exploitation observed in the last few years? Can we observe any changing trend? Are patterns different/same across industries? Any significant differences across different variables (age, sex, income status, etc)? Have there been any changes in patterns since the onset of the pandemic?
- g) What is the impact of this phenomenon on individuals, families, local communities, sectors and country? How is sexual exploitation of children perceived by communities/stakeholders in the hotspot areas? Does acceptance exacerbate the problem?
- h) What is the specific impact on children, girls and boys, from diverse angles: education, protection, health/ASRH, etc.?
- i) What is the current Government/NGOs/CSOs/ Private Sector/DPs/Unions response in terms of programmes and services? Who are key players in these commercial sectors? Is there coordination among service providers? Are there any major barriers or risks to extending service provision in affected industry-controlled areas?
- j) Is the response adequate/relevant to the local context and needs of the most vulnerable children and families? Any variation in service provision and response among hotspots and across sectors? Is it effective (i.e. well placed to achieve desired outcomes)? Are these programmes cost-effective? Is there evidence that implementation could be more efficient if undertaken in a different manner? Are the programmes being implemented age and gender responsive? Are they equitable and inclusive? Are they sustainable (what factors contribute to sustainability/non-sustainability of current programmes)?
- k) What are the legal/policy/programme/data gaps, best practices, lessons learnt and recommendations?

This information will aid the MoGCSP, the GoG at both national and decentralized levels and UNICEF in generating a foundational evidence base and identifying relevant strategies, good practices and well-positioned partners to inform a more strategic approach in private sector engagement and systematic

approach to prevention and response to child sexual exploitation in Ghana. The consultancy findings and report will also be disseminated among key stakeholders for learning lessons and shared ownership.

3. Tasks To be Completed

The overall task of the consultancy is a Study report on Sexual Exploitation of Children (SEC) around the mining, oil, fishing, agricultural and construction sectors in Ghana to understand the nature, drivers, and patterns of sexual exploitation of children (SEC) in hotspots areas in the country with high concentration of such commercial activities.

The key tasks will include:

1: Inception phase:

- 1.1. Preliminary review of available legal/policy/frameworks/ resource materials/studies/methodologies undertaken by key stakeholders - globally, regionally, and nationally, including UNICEF on the subject area, as well as internal policies from within the private sector on the issue
- 1.2. Initial roundtable on the tailoring, defining, and conceptualizing the scope of the study
- 1.3. Development of the inception report which includes: a) defined scope of study; b) initial proposal for an integrated conceptual framework based on preliminary review; c) identification of key national and local stakeholders; d) methodology, timelines, and milestones; f) proposed outline of the report; g) suggestions for dissemination strategy. The inception report will also include an assessment of the data availability, quality and gaps in existing evidence with recommendations for further data collection and analysis.

2: Conceptualization and development of Methodology and Tools

- 2.1. Finalize an integrated study framework, study protocol and training manual for data collection
- 2.2. Engage with the MoGCSP, UNICEF and the cross-sectoral Technical Working Group (TWG) in a consultative process to develop and validate accompanying quantitative/qualitative data collection methodology including developing criteria for inclusion of interventions; methodology for identifying and contacting service providers, key informants and respondents; protocols for collecting information (informed consent, sampling, surveys, focus groups discussions, key informant interviews) from girls/boys/parents and caregivers/ community members/ private sector companies/unions; safety and security protocols and ethical considerations aimed at protecting the data collection team and associated contacts in field-based locations including (but not limited to) key informants and respondents; etc.
- 2.3. Develop accompanying guidance for data analysis
- 2.4. Submission to Ethical Review Committee

3: Data collection and analysis:

- 3.1. Complete tools pre-testing and data collection training
- 3.2. Complete primary data collection as per agreed methodology
- 3.3. Analyse data, share top-line findings, identify information gaps to be addressed
- 3.3. Engage in follow-up consultations with key actors and stakeholders to address any emerging data gaps from above

4: Drafting, reporting, validation:

- 4.1 Draft the Study report detailing the answers to the key Study questions areas above stated, including key successes, gaps and recommendations for improvements of policy/ plan of action, community-based programmes, service delivery and partnerships

- 4.2. Present the draft study findings to UNICEF, MoGCSP and TWG to validate the findings
- 4.3. Based on the feedback received, submit the final study report, an accompanying slide deck for future disseminations and suggestions to be submitted to TWG for follow-up dissemination strategy

4. Methodology and Approach

Given the context of the study, a mix of quantitative and qualitative methods of data collection and analysis should be explored to reveal insights on the nature, manifestations, patterns, trends and impact of SEC on the ground. Based on desk review and available evidence, the Consultancy will need to propose the geographical focus and relevant sampling methodology in line with 'hotspot' areas where diverse industries are present (i.e. where oil, mining, fishing, agriculture and construction activities are more intense).

In addition, the study also needs to be guided by:

Gender and inclusion: The study is expected to move beyond mere disaggregation of assessment data by sex to adopt a gendered approach to child and adolescent protection. This implies that the study will actively engage with gender as a social construct that influences the experiences and opportunities available because that child is a girl or a boy, and to understand and address gender differences observed in girls' and boys' protection outcomes. In the context of sexual exploitation, it should also explicitly look for instance at how existing gender inequalities shape the power dynamics, self-perceptions, etc. The study will need to be attentive to the specific limitations and opportunities needed for girls and boys to ensure their greater protection from various forms of violence and exploitation, particularly sexual exploitation.

Ethics and Child Protection: When the respondents for this study will involve children aged 10-19 years, additional care will be taken to ensure that the research with this age group is subject to ethical guidelines focused on minimizing the possibility of distress or harm for participants and that data collection activities cause limited disruption to the normal lives of the respondent groups. Contractor certification (e.g. CITI/NIH) on ethical considerations for doing research on child protection issues is an advantage. The contractor is expected to follow UNICEF's standards and practices relating to this. The Contractor is also required to obtain ethical approval from a relevant and recognized national Ethics Review Committee / International IRB.

In terms of work processes, as referenced earlier, the consultant is expected to work closely and through a consultative process with UNICEF, MoGCSP and a purposfully established inter-agency Technical Working Group (TWG) coordinated by the RSIM Division within the MoGCSP for overall technical guidance and logistics support. The group will review, provide feedback reports on agreed task/deliverables submitted by the consultant. UNICEF and the MoGCSP will work with relevant ministries and agencies to facilitate the consultant's access to relevant background materials and information related to the subject of the study, as well as meeting with key stakeholders at national and decentralized levels.

UNICEF and the MoGCSP will facilitate the consultations with relevant stakeholders at key junctures of the development and validation process. An inception meeting with the TWG will be held in Accra to kickstart the consultancy and to agree upon the main parameters and scope of the deliverables. This inception meeting is coming after the consultant has signed the contract. To what extent will the outcome of the meeting affect the deliverables stated on this TOR?

5. Deliverables and time frame for submission

Deliverables	Estimated Working Days
1. Inception Phase/ Inception Report	20 days
2. Development of study protocol, Methodology and Tools/ Data collection tools,	60 days
3. Pre-testing and finalization of the questionnaires and training manual for data collection	20 days
3. Data Collection and Analysis completed	40 days
4. Draft report with headline findings and stakeholder consultation recommendations;	20 days
4. Final document, including dissemination strategy and slide pack, as well two articles to be submitted to an academic journal	32 days
5. A response Plan based on the finding and recommendations	15 days
Total Days	207 working days

6. Payment Schedules

The contractual total amount is to be negotiated with successful contractor and UNICEF following established contractual processes.

The proposed payment schedule:

Deliverables	Payment schedule (%)
1. Inception Report detailing setting out approach, and work plan;	20%
2. Upon submission of satisfactory data collection tools, including pre-testing and finalization	30%
3. Upon submission of draft report with headline findings and stakeholder consultation recommendations;	20%
4. Upon submission of final report and power point slides with summary findings	30%

7. Supervision and reporting arrangement

The overall supervision of the consultancy will be provided by the UNICEF Chief Child Protection and the Child Protection Specialist, in close collaboration with the RSIM Division of the MoGCSP.

8. Timeframe

The assignment is expected to cover a period of 207 working days spread across 11.5 months (March 2021- February2022).

9. Official Travel Involved:

Field visits are expected for this assignment to different regions. UNICEF will cover the cost for such field visits and arrange for transportation where feasible. All travels must be according to the workplan and travel plan approved by supervisor. The consultant will not be entitled to payment of overtime. All remuneration must be within the contract agreement. In view of the current COVID-19 pandemic, all UN protocol procedure and clearances must be confirmed prior to commencing travel. In the event that UNICEF is not able to provide a vehicle, the consultant may be reimbursed the cost for such field visits based on pre-agreed lumpsum cost. A travel plan and all travel related costs must be pre-agreed with supervisor and in consultation with the Admin section to facilitate reimbursement,

10. Expected Qualifications, Experience, specialised knowledge/skills and competencies

The contracted consultant must have demonstrated experience to bring together different skills sets in the project team, including:

- Research, programme design, and evaluation experience in social sector, gender, child rights, child protection, GBV, adolescent programming.
- Undertaking quantitative/qualitative data collection; and experience in undertaking data collection, involving children and adolescents and associated practical ethical considerations;
- Strong analytical, communication and writing capacity
- Experience and proficiency in working independently and with a large variety of cross-sectoral stakeholders
- Gender analysis – understanding of spectrum of gender programmatic approaches (from gender blind to gender transformative)

The consultant is expected to have Masters degree (PhD is an asset) in a relevant field (e.g. education, international development, Public Policy, social sciences, etc.); at least 8-10 years of experience, including leading and coordinating similar consultancies/initiatives/studies.

The consultant must have excellent political awareness, analytical, and communication skills; and fluency in English and strong verbal and writing skills' and demonstrated ability to work in complex partnerships with civil society organizations, private sector, government and development partners, and strong capacity for self-management.

11. General Conditions: Procedures and Logistics

The consultant will work remotely but with regular meeting with UNICEF, MoGCSP and stakeholders. It should be noted that the consultant is expected to arrange for own transport facilities for commuting to the office and ministry. The consultant is expected to use own computers, data storage devices.

. Payments will be made upon submission and acceptance of specified deliverables and submission of invoices.

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.

12. Policy both parties should be aware of:

Under the consultancy agreements, a month is defined as 21 working days. Consultants are not paid for weekends or public holidays. No contract may commence unless the contract is signed by both UNICEF and the Contractor. Signed contract copy or written agreement must be received by the office before travel commences.

Consultants will not have supervisory responsibilities or authority on UNICEF budget. Consultants will be required to sign the Health statement for consultants/Individual contractor prior to taking up the assignment, and to document that they have appropriate health insurance, including Medical Evacuation. The Form 'Designation, change or revocation of beneficiary' must be completed by the consultant upon arrival, at the HR Section.

13. Application procedure and Assessment to select the consultant

Interested consultant will need to indicate ability, availability and financial proposal to undertake the terms of reference and produce all indicated deliverables. The consultant must submit a brief (2-3 pages) technical proposal on what s/he envisions for the conduct of the study (e.g. methods, sampling, location, etc.).

Submitted proposals will be evaluated using Cumulative Analysis Method against a score of 100 points with a maximum of 70 points allocated for the technical proposal and 30 points allocated for the financial proposal. A minimum of 50 points will be required from the technical proposal for further consideration. The Technical Proposal shall also include updated profiles/CV and/or system profile questionnaire of applicants to be part of the assessment, and electronic copies/links of two most recent and relevant studies performed previously by the researcher.

14. Copyright, Patents and other Proprietary Rights

(a). Subject to paragraph (b) below, UNICEF will be entitled to all intellectual property and other proprietary rights with regard to products, processes, inventions, ideas, know-how, data or documents and other materials (“Contract Materials”) that (i) the consultant develops for UNICEF under the Contract and which bear a direct relation to the Contract or (ii) are produced, prepared or collected in consequence of, or during the course of, the performance of the Contract. The term “Contract Materials” includes, but is not limited to, all maps, drawings, photographs, plans, reports, recommendations, estimates, documents developed or received by, and all other data compiled by or received by, the consultant under the Contract. The consultant acknowledges and agrees that Contract Materials constitute works made for hire for UNICEF. Contract Materials will be treated as UNICEF’s Confidential Information and will be delivered only to authorized UNICEF officials on expiry or termination of the Contract.

(b) UNICEF will not be entitled to, and will not claim any ownership interest in, any intellectual property or other proprietary rights of the researcher that pre-existed the performance by the consultant of its obligations under the Contract, or that the consultant may develop or acquire, or may have developed or acquired, independently of the performance of its obligations under the Contract. The consultant grants to UNICEF a perpetual license to use such intellectual property or other proprietary rights solely for the purposes of and in accordance with the requirements of the Contract.

(c) At UNICEF’s request, the consultant will take all necessary steps, execute all necessary documents and generally assist in securing such proprietary rights and transferring (or, in the case, intellectual property referred to in paragraph (b) above, licensing) them to UNICEF in compliance with the requirements of the law and of the Contract.

(d) The consultant may not communicate at any time to any person, Government, or authority external to UNICEF, any information known to it due to its association with UNICEF which has not been made public except with the authority of UNICEF nor shall the consultant at any time use such information to private advantage. These obligations do not lapse upon termination of this contract with UNICEF.