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

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| **Title**International Consultant for knowledge management on access to justice | **Funding Code****ECHO grant on justice (forthcoming)**  | **Type of engagement**[x]  Consultant [ ]  Individual Contractor Part-Time[ ]  Individual Contractor Full-Time | **Duty Station:**Home Based (Consultation, Meeting and Training will be conducted via zoom and Teams) |
| **Purpose of Activity/Assignment:** To respond to the cases of arbitrary arrest and detention, to evaluate the 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 from Yangon. |
| **Scope of Work:**Due to the current political situation in Myanmar, nationwide protests continue across Myanmar since February 2021. 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 ensure fundamental international human rights are respected, protected and fulfilled. As of April 8, a total of 2,857 people have been reportedly arrested, according to assistance Association for Political Prisoners (Burma). 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. UNICEF child protection section has partnered with the lawyers to provide legal advice, consultation and legal aid support to the detained children, young people and their families. While providing legal aid services, it was also found that knowledge management on access to justice is required in order to establish more comprehensive understanding on access to justice for children and young people. Under the 2021 Multi Year Workplan of UNICEF, it was planned to generate evidence on key child rights and violence against children in humanitarian/non-humanitarian settings. In this regards UNICEF child protection section will hire an international consultant to undertake the following tasks: 1. **Assessment/policy brief preparation**
2. **Data Analysis/data brief preparation**
3. **Case studies**
4. **Lawyers’ personal safety and protection strategy development and implementation including digital security**
5. **Development of Guidance Notes for the legal aid service providers on 3 topics.**
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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?        [x]    YES    [ ]    NO     If YES, check all that apply:                                                                                                                                                    **Direct contact role**[ ]  YES     [x]   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:

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 **Child data role**[x]  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):

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| The lawyers need to input the casework 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 has already briefed and shared the policy of safeguarding child’s data to the partners. |

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 | Estimate Budget  |
| **Assessment/policy brief preparation**Secondary analysis of the data generated by UNICEF’s legal aid partners and prepare a situation analysis of children’s access to justice, impact of martial law on children’s access to justice, treatment of children in the criminal justice system, especially after the military take-over. | Analysis Report5 days to review Q1 & Q2 reports.5 days to write up analysis including consulting with other stakeholders working with children and young people. |  20 July 2021 |  |
| **Data Analysis/data brief preparation** Monthly analysis on the juvenile justice data generated by UNICEF’s legal aid partners (LCM, Thazin, ILF, Network Lawyers) to understand trends and patterns of Juvenile Justice Situation in Myanmar | Monthly analysis report3 days per months. Analysis will include visualisation. | 31 August 2021 |  |
| **Case studies**Regular preparation of case studies (e.g. at least 2 case studies per month) based on narrative reports submitted by UNICEF’s legal aid partners.  | Case Studies1 days per month per case study | 31 August 2021  |  |
| **Lawyers’ personal safety and protection strategy development and implementation** Development of safety and protection measures for human rights defenders targeting local legal aid lawyers. Consultant will also support implementation of the above safety and protection measures- this will include data security measures as well.  | Guidance notes on safety and protection measures and support for the implementation.**5 days** to **draft the guidance note** including translation.Each partner requires 2 sessions- 1 assessment (3hours) and 1 training (3 hours) – **5 days**Assessments should take place prior to the guidance note being drafted and the training taking the partners through the guidance. |  15 August 2021 |  |
| **Development of Ethical Notes and Deference Lawyer Guides for the legal aid service providers** 1. **Professional conduct and ethics guidance note for lawyers working with children. including information sharing and data management**
2. **Defense Lawyer Guide for Children in Conflict with the Law**
* For the cases of Children on the Move
* For the cases of Children associated with armed conflict
* For the cases of Child Political Prisoner
	+ What are the applicable international standards?
	+ What will be the key points for defense lawyers according to the international standards?
	+ What are the applicable national laws for children on the move?
	+ What will be the key considerations for defence lawyers according to the national laws?

**Child Victims and Witness*** For the victim of sexual abuse
* For the victim of emotional or psychological violence
* For the victim of maltreatment
	+ What are the applicable international standards?
	+ What will be the key points for defense lawyers according to the international standards?
	+ What are the applicable national laws for the children on the move?
	+ What will be the key points for the defence lawyers according to the national laws?
 | **One Ethical notes (4 days)****(15 July 2021)****Defense Lawyer Guides for Children in Conflict with the Law (5 days)****(15 August 2021)****Defense Lawyer Guides for Children Victims and Witness (5 days)****(15 August 2021)** | 31 August 2021 |  |

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| **Estimated Consultancy fee** |  |  |  |
| Travel International (if applicable) |  |  |  |
| Travel Local (please include travel plan) |  |  |  |
| DSA (if applicable) |  |  |  |
| **Total estimated consultancy costs[[1]](#endnote-1)** |  |  |  |
| **Minimum Qualifications required:** | **Knowledge/Expertise/Skills required:** |
| [ ]  Bachelors [x]  Masters [ ]  PhD [ ]  Other Enter Disciplines* **An advanced degree in Law (or) of Human Rights**

  | **Work Experience*** At least 5 years of professional work experience in working for the access to justice for children - including understanding on Myanmar Legal System
* Proficiency in analysis of the data and information and technical guidance notes
* Demonstrated experience of working in the area of legal analysis.
* Experience of emergency contexts is desired.
* Ability to work in sensitive and stressful environment.
* Willingness and availability to take up the assignment immediately.
* Strong commitment to the UN values of humanity, impartiality, neutrality
* Flexibility, adaptability and tolerance.
* Good diplomacy and communication skills, can work well with others even from remote
* Good English language skills (oral and written)
* Excellent written and presentation skills
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| **Administrative details:**Visa assistance required: [ ] Transportation arranged by the office: [ ]  |  [x]  Home Based [ ]  Office Based:If office based, seating arrangement identified: [ ] IT and Communication equipment required: [ ] Internet access required: [ ]  |
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| **Budget Year:***2021* | **Requesting Section/Issuing Office:***Child Protection section, Myanmar* | **Reasons why consultancy cannot be done by staff:** Staff from Justice cluster under the child protection are occupied with 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.Moreover, to perform these tasks detailed in the TOR required international and local experiences for legal analysis on the application of the international laws and standards in current situation in Myanmar from the expert of child protection. Hence, we need to hire an expert who will be able to perform the needs of justice for children cluster under child protection. |
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| **Included in Annual/Rolling Workplan***:* [x]  Yes [ ]  No, please justify: |
| **Consultant sourcing:**[ ]  National [x]  International [ ]  Both**Consultant selection method:** [ ]  Competitive Selection (Roster)[x]  Competitive Selection (Advertisement/Desk Review/Interview) | **Request for:**[x]  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.*** | ***7 July 2021*** | ***15 September 2021*** | ***42 days in 2 months, Flexible hours*** |
| ***Request Authorized by Section Chief:*** | ***Request verified by HR:***  |
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*Approval of Chief of Operations (if Operations): Approval of Deputy Representative (if Programme)**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Representative (in case of single sourcing/or if not listed in Annual Workplan)* *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  |
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1. Costs indicated are estimated. Final rate shall follow the “best value for money” principle, i.e., achieving the desired outcome at the lowest possible fee. Consultants will be asked to stipulate all-inclusive fees, including lump sum travel and subsistence costs, as applicable.

Payment of professional fees will be based on submission of agreed deliverables. UNICEF reserves the right to withhold payment in case the deliverables submitted are not up to the required standard or in case of delays in submitting the deliverables on the part of the consultant

**Text to be added to all TORs:**

Individuals engaged under a consultancy or individual contract will not be considered “staff members” under the Staff Regulations and Rules of the United Nations and UNICEF’s policies and procedures, and will not be entitled to benefits provided therein (such as leave entitlements and medical insurance coverage). Their conditions of service will be governed by their contract and the General Conditions of Contracts for the Services of Consultants and Individual Contractors. Consultants and individual contractors are responsible for determining their tax liabilities and for the payment of any taxes and/or duties, in accordance with local or other applicable laws. [↑](#endnote-ref-1)