

TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANT - LONG-TERM AGREEMENT

Individual Consultancy Services: *Technical Support for Justice for Children Programme*

Row Number and description from approved Consultancy Plan:

1. BACKGROUND / RATIONALE

UNICEF Malaysia's work on access to justice for children, which is in line with UNICEF's Reimagine Justice¹ agenda, continues to be a core component of the UNICEF country programme. The justice programme has been growing steadily, and slowly making an impact for children in the justice system. The new country programme builds on the gains made during the last country programme with expansion in the areas of work in child justice based on increasing buy-in from government justice agencies. Partnerships with both government and non government stakeholders have also expanded. The work on justice has been guided by the recommendations from the "The Malaysian Juvenile Justice System: A Study of Mechanisms for Handling Children in Conflict with the Law", the Diversion Pilot Evaluation recommendations, and recommendations from the policy briefs analysing the various legal and policy frameworks for child victims and witnesses in the criminal justice system.

Building on these recommendations, UNICEF Malaysia will continue to focus on facilitating access to high level technical support to assist the government in gaining exposure to best practices in the region and from other common law countries, invest in evidence generation (including via piloting of new models) to support evidence based advocacy and continue to advocate for removal of reservations to the Convention on the Rights of the Child.

Currently, the main interventions in these areas are enhancing capacity of duty bearers to create a child friendly justice system, development of child rights based diversion programmes as part of the overall initiative for reform of the justice for children system, strengthening the child victim support system, including handling of child victims in the trial process, strengthening laws and policies to ensure better protection of children as victims and also as offenders.

There have been various successful results achieved in recent years due to the high level technical assistance provided by external consultants. These include the Sexual Offences against Children Act 2017 which is largely compliant with international standards due to the technical assistance provided during the drafting of the Act. The provision of high level technical advice to the office of the Minister in the Prime Minister's Department on various issues related to child victims, had also led to UNICEF being recognised for its technical expertise. The provision of technical advice on diversion by UNICEF led to government to launch a diversion pilot in August 2019, which was also supported via technical support from UNICEF.

However, these reforms have not been without challenges and are yet to be fully implemented. Substantial gaps remain including lack of specialist child justice professionals, limited community-based services for

¹ Reimagine Justice for Children. New York: United Nations Children's Fund (UNICEF), 2021. available at : <https://www.unicef.org/documents/reimagine-justice-children>
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diversion, alternatives to detention and child victim support services. At the same time, the substantial changes introduced to the justice system have been hindered by the lack of concomitant comprehensive capacity building and shifting of mindsets, both within the justice sector and amongst the public. As a result, the reforms have not yet achieved a level of coherence needed to create a comprehensive and integrated justice for children system in Malaysia.

Recognizing these challenges, UNICEF Malaysia has been working continuously to support the Government of Malaysia to reform its legal framework and delivery of justice services to improve the protection of all children who enter the justice system. Malaysia is currently at a critical juncture where strong commitment and investments are needed for effective and coherent implementation of justice for children reforms.

Given the critical need for continued technical support to assist the government and other key stakeholders to strengthen access to justice for children, an individual consultant is currently being sought.

2. PROGRAMME AREA AND SPECIFIC PROJECT AREA

Child Protection

3. OBJECTIVE(S)

The objective of this consultancy is to strengthen access to justice for children, specifically to support improving the child protection and child justice legal and policy framework in Malaysia, and building specialist capacity of justice agencies, including police, prosecutors, judges, lawyers, in handling of cases involving children in the justice system (this includes child victims and witnesses and children in conflict with the law) while applying multi-disciplinary and integrated approach.

4. MAJOR TASKS TO BE ACCOMPLISHED

- 1.1. Provide technical support to the multiagency Taskforce on Diversion led by the Ministry of Women, Family and Community Development. This will include facilitating workshops/roundtable discussions, providing research support, developing materials, including training materials, facilitating linkages with external subject matter experts, amongst others.
- 1.2. Conduct analysis of laws, policies, procedures and protocols (such as codes of conduct, plans of action, practice directions etc) relevant to strengthen access to justice for children, in accordance with international norms/standards
- 1.3. Provide technical support in the drafting/review of legislation, regulations, policies related to access to justice in child protection and child justice
- 1.4. Support the development of justice agencies protocol, procedures and guidance
- 1.5. Develop training modules on issues related to access to justice for children and conduct capacity building

1.6. Provide technical support and build capacity of key stakeholders in areas related to access to justice for children

1.7. Provide on-going strategic advice and feedback, as needed, to the Child Protection team in relation to access to justice for children

Responsibilities of the Consultant:

- i. The consultant will use their own equipment that may be required for this task.
- ii. The consultant will not give the content/material or any part thereof, to any third party without the written permission of UNICEF. All components will be a property of UNICEF, and the consultant will not share the same with anyone else.

5. DELIVERABLES

No.	Deliverable	Specific delivery date/deadline for completion of deliverable
1.	<ul style="list-style-type: none">• Training materials, including PPTs on specific areas of access to justice for children, including diversion• SOPs on diversion	As and when requested by UNICEF
2	<ul style="list-style-type: none">• Briefing paper on specific laws/policies• Draft language for specific legislation	As and when requested by UNICEF
3	<ul style="list-style-type: none">• Guidance documents for specific justice agencies	As and when requested by UNICEF
4	<ul style="list-style-type: none">• Any other related deliverables as required by UNICEF	As and when requested by UNICEF

Whenever consultancy services are required, details of the deliverables and timelines will be presented to the LTA holder. Upon receipt of confirmation of availability and interest in the assignment by the LTA holder, a contract will be issued based on the fees agreed in the LTA. The consultant must sign the contract prior to commencement of work.

Payment will be made after completion of deliverables (payment schedule will be specified in the contract) and submission of invoices for the actual work completed, subject to satisfactory performance.

6. CHILD SAFEGUARDING

Is this project/assignment considered as "[Elevated Risk Role](#)" from a child safeguarding perspective?

YES NO If YES, check all that apply:

Direct contact role YES NO

If yes, please indicate below 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:

Child data role YES NO

If yes, please indicate below the number of hours/months of manipulating or transmitting personal identifiable information of children (name, national ID, location data, photos):

More information is available in the [Child Safeguarding SharePoint](#) and [Child Safeguarding FAQs and Updates](#)

7. TRAVEL (OPTIONAL):

Some travel will be required from the consultant throughout the performance of the contract.

Travel will be decided based on agreements with UNICEF and the consultant.

The consultant will be responsible for administering its own travel. The consultant will be responsible for all travel costs - flights, daily subsistence allowance etc. Travel expenses will be reimbursed separately upon presentation of receipts based on actual cost or as per UN rates

(<http://icsc.un.org/rootindex.asp> and/or <https://icsc.un.org/Home/DailySubsistence>), whichever is lower. Travel expenses shall be calculated based on economy class travel, regardless of the length of travel and ii) costs for accommodation, meals and incidentals shall not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC).

8. ESTIMATED DURATION OF LTA

36 months

9. QUALIFICATIONS / SPECIALIZED KNOWLEDGE / EXPERIENCE/ LANGUAGE SKILLS REQUIRED (Please use as applicable)

- University degree in law, criminal justice, or other relevant field;
- At least 15 years relevant work experience, out of which at least 10 years practical experience working on children's access to justice in child protection and child justice specifically in common law countries, including traditional diversion systems
- Demonstrated specialist knowledge in the field of access to justice for children
- Proven expertise in analysis and policy formulation in the area of justice for children
- Solid knowledge and understanding of international human rights laws and standards on access to justice for children;
- Knowledge of UNICEF justice and child protection strategy, including policy and guidelines on access to justice for children;

- Knowledge and experience of UNICEF’s work in a high-income country context, with the particular nature of UNICEF’s Malaysia profile, context in Malaysia, and specifically knowledge of the Malaysian criminal justice system
- Strong communication skills;
- Ability to draft clearly and concisely ideas and concepts in written and oral form;
- Experience in drafting laws and policies related to children in the justice system
- Experience in developing training materials and conducting capacity building
- Ability to provide high level technical advice and guidance for strategic thinking, programme planning and review and consultations with government stakeholders and other partners
- Fluency in English

10. TECHNICAL EVALUATION CRITERIA (WITH WEIGHTS FOR EACH CRITERIA)

The selection of consultants for the LTA will be based on technical evaluation and financial offers in the ratio of 70:30. The technical proposal should address all aspects and criteria outlined in this Terms of Reference. The criteria for technical evaluation will be as follows:

Technical Criteria	Technical sub-criteria	Minimum points	Maximum points
Overall response	Completeness of response (submission of all relevant information)	4	5
Relevant academic qualifications and years of relevant work experience	University degree in law, criminal justice, and other relevant degree (5) Number of years of relevant work experience (10)	10	15
Relevant experience, technical knowledge and skills	Range and depth of experience with similar assignments (25) Experience working for UNICEF in a high income country context (10) Experience working with high level government counterparts, including advising Ministers (5)	35	50

	Proven written skills (10)		
<p>Total technical score The minimum overall qualifying score is 49. Only those candidates who meet the overall qualifying marks of 49 and score the minimum cut-off in each of the above sub-criteria, will be considered technically responsive, and their financials will be opened.</p> <p>Financial Score The selection of the consultant will be on the basis of technical evaluation & financial offer in the ratio of 70:30</p>		49	70
			30

11. FINANCIAL PROPOSAL:

The Financial proposal will indicate the daily professional fees in USD. The LTA to be signed will have a fixed fee rate for the duration of the LTA.

The application to be submitted through the online portal should contain the following separate attachments:

- i. A Cover letter explaining the motivation for applying and explaining the qualifications and skillset of the candidate that meet with the requirements in the TOR **(to be uploaded online)**
- ii. Curriculum Vitae (CV) **(to be uploaded online)**
- iii. References for similar consultancy assignments (including contact details of 3 referees) (to be uploaded online)
- iv. Submission of 3 examples of previous work (in the last 3 years), including legal analysis and Sample of a training module developed for a justice agency (to be uploaded online)
- v. A financial proposal indicating daily professional fees in USD. **(To be uploaded under other supporting documents).**

vi. Certificates of mandatory courses (Ethics and Integrity at UNICEF (2020 version); Prevention of Sexual Harassment and Abuse of Authority (2021 version) & Sexual Exploitation Abuse (PSEA) (2021 version) consolidated in one single pdf. **Note: If the LTA will include the optional fees for travel assignments, then BSAFE will be a mandatory course requirement to be added to the list of certificates to be uploaded at the time of application.**

Important Note: Please do not indicate financials anywhere else in the online application form, please mark "n/a or 00", under the fee related questions in the online application form.

Without all the above 6 documents your application will be considered incomplete and invalid and will not be considered further.

- Any attempt to unduly influence UNICEF’s selection process will lead to automatic disqualification of the applicant.
- Joint applications of two or more individuals are not accepted.
- Please note, UNICEF does not charge any fee during any stage of the process.
- Female candidates meeting the requirements are strongly encouraged to apply.
- UNICEF is committed to diversity and inclusion and encourages qualified candidates from all backgrounds including persons living with disabilities to apply.

INTERNAL INFORMATION

Type of LTA: Time-Bound Target Value

Sharing Indicator: Open Use Controlled Use Reserved for Sole Use

IDENTIFICATION OF RISKS AND PLAN FOR MITIGATION:

Risks	Mitigation plan
Poor quality of internal and particularly external documents.	Ensuring the UNICEF guidelines and templates are used by the consultant. Previous examples of work will be shared with the consultant so that the expectations are clear from the start of the standards expected.
Late submission of documents, which could have potential reputational risks and programming implications for UNICEF	Clear expectations regarding deadlines are agreed upon at the beginning of all assignments.