**UNICEF Moldova**

**Terms of Reference**

**National legal researcher (family and migration laws)**

**Type:** National Individual Consultancy

**Location:** Chisinau, Republic of Moldova

**Duration and timeline:** January 2023 – April 2023(30 working days)

1. **Background**

The escalation of hostilities in Ukraine since late February 2022 has triggered Europe’s largest refugee crisis with millions of persons fleeing Ukraine having arrived in neighbouring countries. While statistics are not comprehensive, a high percentage of these persons are children, with a significant number being unaccompanied and separated children. Additionally, significant numbers of orphans and children deprived of parental care, including groups of children, have been evacuated abroad.

UNICEF Europe and Central Asia Regional Office (ECARO) in close consultation with UNHCR and in partnership with Child Circle, has initiated a legal analysis that aims to unpack the complex and overlapping relevant international and regional legal frameworks as they relate to unaccompanied and separated refugee children and children who are orphans or deprived of parental care as a result of the war in Ukraine. Please see this [UNICEF webpage](https://www.unicef.org/eca/press-releases/protection-and-care-unaccompanied-and-separated-children-fleeing-ukraine) for more information on the context of the study.

The primary purpose of the Legal Study at the regional level is to identify and address legal issues arising in relation to the protection of unaccompanied and separated children as well as groups of children evacuated from institutional care in Ukraine. In particular, the Study will address in-depth: i) care, custodial arrangements, and guardianship ii) access to legal protection and iii) provisions for best interest procedures.

The Study will also consider how identifying and meeting legal challenges for children arriving from Ukraine could lead to system strengthening and improvements in care and protection for unaccompanied and separated children in Europe. With this frame, the primary objectives of the Study are to:

* Undertake a comprehensive analysis of relevant international and regional laws and procedures concerning children without parental care, including UASC evacuated from institutions fleeing Ukraine, with the purpose of providing guidance of clarity on the application of the different instruments, or different laws at different levels.
* Identify challenges, gaps and good practices in the application of relevant laws and procedures in six countries as well as identify the multitude of different case scenarios that may arise.
* Develop regional guidance with key stakeholders on issues currently raising concerns for governments, experts and CSOs.
* Develop recommendations and national plans for promoting progress in dialogue with national authorities and stakeholders in six countries.

The research would cover six countries neighbouring Ukraine, actively involved in addressing humanitarian crises, including the Republic of Moldova.  To contribute to this legal analysis, UNICEF Moldova Country Officeis looking for a legal consultant specialised in the field of family law and/ or migration law, which together with a selected national child protection consultant will carry out national-level research. The national consultants selected to undertake the national research will receive support and guidance from both the UNICEF Moldova Country Office and Child Circle.

1. **Purpose and objectives of the consultancy**

At the national level, the focus of the legal research is **to map** the relevant national lawsthat apply to UASC and children evacuated from institutions and to **identify and analyse challenges, gaps, good practices, and recommendations** in the application and interpretation of such laws.The synthesis of this information will be encapsulated in a ‘National Profile’ for the Republic of Moldova.

**The objectives of the consultancy are the following:**

**Mapping of relevant legislation**

In the process of mapping the relevant national legislation, the legal researcher will carry out desk research and use a mapping tool developed by Child Circle to identify how international and regional obligations are reflected in the national legal framework.

**Key informant Interviews**

The development of the National Profile will include, as relevant, interviews with key informants (national stakeholders, experts, front-line workers) to gather more information and to understand, analyse and explore the national legal challenges which are examined by the research.

**Case scenario analysis**

With a view to ensure that the legal research is addressing gaps and challenges faced by Ukrainian children fleeing the war, especially regarding the protection of UASC, the national researchers will also identify case scenarios or document relevant case studies from the country. A specific methodological tool will be produced to support this work stream.

**Key findings from the research**

Based on the evidence collected above, the researcher will undertake a critical analysis of the application of the laws in Moldova, resulting in the drafting of the key findings as per the key research questions of the study.

**Development of National Recommendations and Advocacy Strategy**

Through the legal research described above and the ongoing national dialogue with authorities and key stakeholders, the research should lead to national recommendations with a focus on addressing the identified gaps and challenges in the application of relevant national laws and providing suggestions to improve protection for unaccompanied and separated children. These recommendations should, in turn, inform advocacy efforts and action.

1. Details of how the work should be delivered

The legal consultant will receive support and guidance from both the UNICEF Moldova Country Office and Child Circle to perform the following tasks:

* Independently carry out legal research based on the methodology and technical guidance provided by Child Circle
* Work together with the national child protection researcher in order to coordinate the work and reflect the recommendations and advocacy in line with the current UNICEF Moldova Country Office priorities
* Systematically brief UNICEF Moldova Country Office and Child Circle on the research progress, and findings and incorporate their feedback into the drafts
* Support UNICEF Moldova Country Office with presenting the research and preliminary findings and recommendations to key stakeholders and partners; in organizing consultative meetings, and reflecting and responding to the comments received as part of these consultations
* Draft the national research in cooperation with the national child protection researcher and prepare presentations and briefs
* Support follow-up activities to the research (e.g. in The Child Protection Working Group to present and discuss the gaps and recommendations)
* Prepare briefing notes for thematic consultations and lead the technical discussions or support UNICEF Moldova Country Office to lead them
* Develop draft guidance documents to address the recommendations – in agreement with the national government and UNICEF and under the supervision of Child Circle.

**Methodology**

A mixed-method approach will be necessary: a desk review of the relevant laws and legal frameworks combined with key informant interviews and/or focus group discussions with relevant Child Protection stakeholders from state bodies and civil society. The methodological guidance and tools will be developed by Child Circle, shared with the national teams of consultants, and adjusted by those. The national legal researcher will work in close cooperation with the UNICEF Moldova country office, in partnership with the national child protection researcher and with the supervision of Child Circle.

**Final outcomes:**

The deliverables for the national legal researcher will at a minimum include:

* Mapping of relevant national legislation
* National Profile including legal analysis of the application of the law, selected case studies and recommendations
* Updated National Profile following consultations / national roundtable

The Assessment is to be carried out under the supervision of the UNICEF Moldova Child Protection Specialist, in close and regular consultations with UNICEF ECARO and Child Circle. The National legal researcher shall also consult with relevant ministries (ex. Ministry of Justice, Ministry of Internal Affairs, Ministry of Labour and Social Protection) and civil society organizations. The assessment is to be presented to and approved by the named parties.

1. Deliverables and timeframe

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| --- | --- | --- |
| **Tasks** | **Deliverables** | **Timeline, working days** |
| Inception phase  | Inception report, adjusted methodologies, and tools, including working plan | 7 February 2023, 5 working days |
| Data collection and analysis phase | Mapping of relevant legislation,key informant Interviews, case scenario analysis | 28 February 2023, 10 working days |
| Development of the National Profile  | National profile including legal analysis, findings, and recommendations | 10 March 2023, 5 working days |
| National profile finalization and consultation | Validated National Profile, including the received feedback and recommendations  | 31 March 2023, 4 working days |
| Develop guidance documents to address the recommendations | Suggestions for the programmatic interventions | 1 May 2023, 6 working days |
| 30working days | May 2023 |

*\* 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.

1. Reporting requirements

The Consultant will work under the direct supervision of the Child Protection Specialist, UNICEF Moldova in close cooperation with Child Circle and UNICEF ECARO. The methodology and tools for the National Profile will be shared by Child Circle and adjusted to the national context by the team of selected researchers.

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 English and Romanian languages.

1. Performance indicators for the evaluation of results:

The performance of work will be evaluated based on the following indicators:

* Completion of tasks specified in the ToR.
* Compliance with the established deadlines for submission of deliverables.
* Quality of work.
* Demonstration high standards in cooperation and communication with UNICEF and counterparts.
1. Qualifications and experience
* Master’s Degree or equivalent in law (5-year university education). Specialization in family, migration, or civil law will be an asset.
* A minimum of 5 years of practical experience in child rights, ideally a practicing lawyer with knowledge of relevant national procedures.
* Analytical capacity and proven experience in qualitative analysis in the area of child rights, child protection, family law or migration. Strong legal research skills.
* Demonstrated extensive knowledge of national and international law, (e.g. 1996 Hague Child Protection Convention, EU Temporary Protection Directive).
* Experience with issues related to the protection of unaccompanied and separated migrant children will be a strong asset, accessing international and national protection.
* Excellent drafting and editing skills in English. Excellent written, reading and speaking skills in Romanian.
1. **Content of technical proposal**
* Relevant experience with a 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.

1. **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 MDL.

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 failure to meet the agreed deadlines.

1. **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 total amount of points to be allocated for the price component is 30. The maximum number of points (30) will be allotted to the lowest price proposal of a technically qualified offer. Points for other offers will be calculated as Points (x) = (lowest offer/ offer x) \* 30.

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.

1. Work location and official travel involved

While the assignment does not envisage any travel, should the need arise to gather additional information through in-person meetings, expert consultations, or interaction with stakeholders outside of Chisinau, and provided the data cannot be collected remotely, in-country travel could be authorized by the responsible UNICEF staff. In such cases, expenses will be covered by UNICEF in line with the approved national DSA and travel rates. It is expected that the interviews, consultation, and validation meetings will be conducted offline.

1. **Payment Schedule**

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

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| Deliverable (completed according to the timeline agreed upon with UNICEF) | Proportion of payment |
| * The Inception Report
 | 30% |
| * National profile includinglegal analysis, findings, and recommendations
 | 40% |
| * Validation meeting, National profile, and guidance documents to address the recommendations
 | 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.

1. **Ethical considerations**

The Consultant will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines[[1]](#footnote-2). 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 National Research, 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](https://unicef.sharepoint.com/sites/portals/RF/Regulatory%20Framework%20Library/DHR%20Procedure%20on%20Consultants%20-%20DHR_PROCEDURE_2018_005.pdf), together with the Notification letter, the consultant will be sent the [link on Agora](https://agora.unicef.org/course/view.php?id=15620) 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 the signature of the contract.  All certificates should be presented as part of the contract.

1. **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?

[ ]    YES     NO  [x]      If YES, check all that apply:

1. UNEG Guidelines <http://www.uneval.org/document/detail/102> [↑](#footnote-ref-2)