

### TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANTS

Title	Funding Code	Type of engagement	Duty Station:
Child Protection Consultant to support the implementation of Diversion and Alternative to Detention for Children in Conflict with the Law	Output 1, WBS:6890/AO/07/400/ 001/009 -Activity: 1.5.2 RR Funds  <b>Output 2,</b> WBS:6890/AO/07/400/ 002/09 -Activity: 2.3.1, RR Funds	<input checked="" type="checkbox"/> Consultant	Mozambique, Maputo
<p><b>Purpose of Activity/Assignment:</b></p> <p>Under the supervision of the Child Protection Specialist the consultant will support the Ministry of Justice on their program to improve the situation of children deprived from liberty, support the justice processes in promoting diversion and alternative to detention for children in conflict with the law and facilitate resuscitation and roll out of a juvenile diversion programme for children in conflict with the law in five provinces by: Identifying and qualifying opportunities for modalities for the execution of preventive measures to children in conflict with the law within the legal framework; Identifying and qualifying possible way forward; Advise based on the best practices.</p>			
<p><b>Scope of Work:</b></p> <p>The Convention on the Rights of the Child provides that all actions concerning children, the best interests of the child shall be a primary consideration (art. 3). It also establishes that deprivation of liberty of children shall be used only as a measure of last resource and for the shortest appropriate period of time (art. 37 (b))</p> <p>Modern criminal justice systems have largely evolved towards use a variety of sanctions different to deprive of liberty, that are supportive to prevent re-incidence.</p> <p>The Convention on the Rights of the Child recognizes that children have the best chance of developing their full potential in a family environment. In order to comply with CRC and its concluding observations that state that the Country has to:</p> <ul style="list-style-type: none"> <li>- Ensure children in Conflict with the Law are dealt with within the Juvenile Justice System and not trailed in the adult penal system.</li> <li>- Remove children from adult detention facilities.</li> <li>- Introduce specialized judges with adequate trainings.</li> <li>- Ensure detention as a last resort.</li> <li>- Ensure alternatives to punitive measures.</li> <li>- Develop a multi-sectorial response to children at risk.</li> </ul> <p>Jointly UNICEF and Government through Ministry of Justice has identified the need for diversion and non-custodial responses to child offending as a priority area to be addressed within the framework of the PARP and UNICEF Country Programme 2022-2026. For children in contact with the law, either charged with committing offences or as witnesses in court, there is also a serious lack of appropriate protection of their basic human rights. The justice system suffers from many gaps of coverage, has a lack of adequately trained staff, and the court infrastructure is minimal. Furthermore, adherence to juvenile justice laws and child protection mechanisms remains unclear. For example, according to Mozambican law, children under the age of 16 are not criminally liable and should be diverted out of the criminal justice system. However, a study conducted on children in conflict with the law showed at least 25 per cent of all prison inmates interviewed were under the age of 18, and 18 per cent were under the age of 16 (Save the Children UK, 2003). The recent data provided by the Ministry of Justice (MoJ) shows that 906 children, including eight girls, between the age of 16 and 18 were in detention nationwide in 2009.</p> <p>Child Protection section is seeking for a professional to provide invaluable support to the joint Ministry of Justice and UNICEF Mozambique's programme in the immediate agenda in pioneering efforts Pre Trial diversion programme and alternatives to detention for children in conflict with law in Mozambique as well as Implementation of community work as an alternative to imprisonment for children in conflict with the law. The implementation of the program by</p>			

the Government entities requires development of institutional capacities at central and decentralized level in order to plan, implement and monitor the approach carried out by judiciary, municipalities and communities

The consultant will be responsible to support the Ministry of Justice department of Human rights and other relevant stakeholders to resuscitate the Maputo Pre Trial diversion programme and promote diversion and alternatives to detention for children in conflict with law in Mozambique; in addition to developing strategies for prevention for children at risk, reintegration of children who are in conflict with the law and recidivism reduction by undertaken the below activities:

- 1) Reactivation of the diversion stakeholders' meetings;
- 2) Develop strategies for prevention for children at risk;
- 3) Undertake mini assessment of the current status of the Maputo pre trial diversion pilot;
- 4) Provide technical support to develop revised stakeholders MOU/SOP on pre-trial diversion;
- 5) Organise high level pretrial diversion programme official launch.
- 6) Guide the municipality team in reintegration of children who are in conflict with the law and recidivism reduction Juvenile Justice

The Child Protection Specialist will be responsible for supervision and to provide technical guidance, coordinating agreement of deliverables and timelines, facilitating the interaction between the Consultant and Ministry of Justice and key stakeholders, verification of relevant products and quarterly Child protection programme

In addition, the innovative approaches require technical support to achieve the proposed in the piloting phase and expand interventions for other two provinces as well as gradually roll out nationwide.

**The consultants should meet the following Qualification and Experience Requirements**

- 10 years specific experience in implementing municipality-based projects on juvenile justice, i.e. alternative measures to imprisonment for children in conflict with the law;
- Fluent written and spoken Portuguese;
- Professional experience in Mozambique and/or Portuguese-speaking country is an asset;
- Command of written and spoken English.

**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 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 the number of hours/months of manipulating or transmitting personal-identifiable information of children (name, national ID, location data, photos):

The data will be collected in the minor court/section, police stations as well as social welfare services to enroll children at risk or in conflict with the law determined administrative or judicial order into a diversion and alternative to detention measures. It will done by usage of a form with data composed by name, location, date and social history)

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

<b>Budget Year:</b> 2023	<b>Requesting Section/Issuing Office:</b> Child Protection Section, Mozambique	<b>Reasons why consultancy cannot be done by staff:</b> This Consultancy is requested due to the fact that will require a dedicated person to accomplish the desired results; it requires organizing meetings, work closely with municipality, Minor Court as well as police and communities; Establish the coordination mechanisms, map key stakeholders, conduct trainings, fill out the Individual Processes, participate in Minor Court cases, support MoJ/municipality multidisciplinary team (social worker, pedagogical expert, psychologist, lawyer). During its expansion phase will also require travel to the three provinces in regular basis and stay there for a time period needed to establish the program	
More information is available in the			
<b>Included in Annual/Rolling Workplan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, please justify:			
<b>Consultant sourcing:</b> <input checked="" type="checkbox"/> National <input type="checkbox"/> International <input type="checkbox"/> <b>Consultant selection method:</b> <input type="checkbox"/> Competitive Selection (Roster) <input checked="" type="checkbox"/> Competitive Selection (Advertisement/Desk Review/Interview)		<b>Request for:</b> <input checked="" type="checkbox"/> New Individual Contract <input type="checkbox"/> Extension/ Amendment <input type="checkbox"/> Low Value Contract (LVC)	
<b>If Extension, Justification for extension:</b>  N/A			
<b>Supervisor:</b>  Tapfumanei kusemwa	<b>Start Date:</b>  August 1, 2023	<b>End Date:</b>  June 28, 2024	<b>Number of Days (working)</b>  231 days

<b>Work Assignment Overview</b>			
<b>Tasks/Milestone:</b>	<b>Deliverables/Outputs:</b>	<b>Timeline</b>	<b>Estimate Budget</b>
Undertake mini assessment of the state of the Maputo pre-Trial diversion pilot programme	Report	10 days August 1- 14	
Prepare Draft ToRs for the coordination mechanism and undertaken the meetings to review existing indicators in consultation with key partners	ToRs drafted and approved by MoJ/UNICEF Indicators developed and aligned with CSI	15 days August 15- September 1	
Design a management model for the community services for children in conflict with the Law.	Management model submitted for the approval of MoJ	30 days September 4- October 18	
Support CP Specialist in development of standards operational procedures	SOP's finalized	15 days October 19- November 9	
Discussion and piloting of the SOP's	SOP's piloted and submitted for the approval of the MoJ	15 days November 10 – December 1	
Provide technical support for the identification of children outside prisons and inside to be enrolled in the pilot program, through assessment check list.	Candidate's list discussed with multisectoral team from courts, prison's and social welfare	15 days December 2- 22	
<ul style="list-style-type: none"> <li>a) Training of key actors on child friendly procedures within the justice system;</li> <li>b) Continue the identification of children outside prisons and inside to be enrolled in the pilot program, through assessment check list.</li> </ul>	Trained 30 people from Maputo city and province and 60 people from three provinces Children enrolled into the Program and monitored	30 Days January 2-31, 2024	
Launching the implementation of the Community Services as alternative to detention	Diversion and alternative measures to detention implemented as per the Plan developed Communities outreach messages developed and advocacy package for the municipality authorities and families available	30 days February 1, March 13 2024	
Field Visits to Nampula, Sofala and Zambezia		30 days	

Presentation of the intervention Model and launch of the programs in the three provinces	Program launched in the provinces	March 18- April 29, 2024	
Consultative summative report with clear next action points to roll out the pilot	Report prepare as well as Soft copies of the materials and handover note delivered to the MoJ and UNICEF	41 days May 2 – June 28	
<b>Amount</b>			

<b>Estimated Consultancy fee</b>			
Travel International (if applicable)	N/A		
Travel Local (please include travel plan)	YES	Sofala, Nampula, Zambezia	
DSA (if applicable)	YES	Sofala, Nampula, Zambezia	
<b>Total estimated consultancy costs<sup>i</sup></b>			<b>\$</b>
<b>Minimum Qualifications required:</b> <input type="checkbox"/> Bachelors <input checked="" type="checkbox"/> Masters <input type="checkbox"/> PhD <input type="checkbox"/> Other  Enter Disciplines	<b>Knowledge/Expertise/Skills required:</b> <ul style="list-style-type: none"> <li>- Advanced University degree in Social Work, Law, International Relation.</li> <li>- At least 10 years professional experience in the area of Child Protection and Justice for Children</li> <li>- Strong experience in conducting drafting guidelines</li> <li>- Solid experience in lecturing justice for children</li> </ul>		
<b>Administrative details:</b> Visa assistance required: <input type="checkbox"/> Transportation arranged by the office: <input type="checkbox"/>	<input type="checkbox"/> Home Based <input checked="" type="checkbox"/> Office Based: If office based, seating arrangement identified: <input type="checkbox"/> IT and Communication equipment required: <input type="checkbox"/> Internet access required: <input type="checkbox"/>		
<b>Request Authorised by Section Head</b>	<b>Request Verified by HR:</b>		
<p><i>Review by Social Policy Social Protection (for evaluation related TORs)</i></p> <p>_____</p> <p><i>Approval of Chief of Operations (if Operations):</i>                      <i>Approval of Deputy Representative (if Programme)</i></p> <p>_____</p> <p><i>Representative (in case of single sourcing/or if not listed in Annual Workplan)</i></p> <p>_____</p>			

<sup>i</sup> 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 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.