UNICEF Country Office in Turkmenistan

Terms of Reference

Individual International Consultancy for Technical Assistance to Turkmenistan in the process of preparation of its report to the Committee on the Rights of the Child.

**Duration:** 25/12/2019 – 30/09/2020 (30 days)

**Location:** Out-of-country with two visits to Turkmenistan (Ashgabat city)

# Background

For the past 25 years, UNICEF has been a strategic and trusted partner of the Government of Turkmenistan, working closely to support the implementation of child rights and promote equity. In line with national development priorities, UNICEF has provided technical assistance to improve legislation and policies, capacity development of public institutions and support to families to better care for their children. Within the framework of the ongoing Turkmenistan-UNICEF Country Programme for the period 2016–2020, UNICEF supports the Government of Turkmenistan to accelerate the universal realization of child rights by aligning legal frameworks, policies and practices for children with international standards. Turkmenistan is a signatory to major treaties, conventions and declarations related to rights of children, including the Convention of the Rights of the Child. In recent years the country has made considerable progress in implementation and reporting of international treaties.

Turkmenistan ratified the Convention on the Rights of the Child on 20 September 1993 and submitted its first report in 2006. Turkmenistan’s latest report (second, third and fourth) on the implementation of the Convention was prepared pursuant to article 44, paragraph 1(b), of the Convention and in accordance with the General Guidelines regarding the form and content of periodic reports to be submitted by States parties covering the period from 2006 to 2010. The last report contained information on key legislative, judicial, administrative and other measures adopted during the reporting period that relate directly to the provisions of the Convention. The CRC reviewed the report and issued its concluding observations in 2015, requesting Turkmenistan to submit its combined fifth and sixth report by 19 October 2020. The country is also expected to include into the report further information on the implementation of the two optional protocols, which Turkmenistan ratified, as well as submit an updated core document, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties. The country has not ratified the third Optional Protocol of CRC on a Communication Procedure yet.

Turkmenistan’s progress towards the implementation of the CRC concluding observations was reviewed with the Government as part of the 2017-18 Situation Analysis of Children and Women Rights. The country made a very good progress regarding some recommendations, such as the adoption of the National Plan of Action for Realisation of Child Rights in 2018 and establishment of an independent human rights institution - Ombudsman. Discussions to accelerate progress to implement some other recommendations are underway. The initial discussions on the development of the next periodic report and possibility of an alternative report have started with different entities of Turkmenistan.

The development of the State Party report will be coordinated by the Institute of State, Law and Democracy (ISLD) on behalf of the Working Group under the Inter-ministerial Commission on implementation of Turkmenistan’s International Human Rights and Humanitarian Law Obligations.

Ready to support the efforts of Turkmenistan to use the CRC reporting as a process of in-depth stock-taking, mobilizing and consolidating the work of different entities and applying participatory approaches, UNICEF will provide technical assistance to support the planning and systematic implementation of the reporting process.

# Purpose of the assignment

Given the above context and taking into consideration the planned 2020 submission of the next regular national report to the UN Committee on the Rights of the Child (UN CRC), UNICEF in Turkmenistan is going to engage an international consultant to support Turkmenistan in preparation of its next report to the UN CRC.

# Specific Tasks

1. Review and summarize the national legislation pertaining to child rights, focusing mainly on
   1. the recommendations of Treaty Bodies and Universal Periodic Review that have required from Turkmenistan legislative changes
   2. CRC principles of the ‘best interest of the child’ and ‘non-discrimination’, and
   3. legislation related to the third CRC Optional Protocol on a communications procedure.
2. Review, further adapt and update the matrix developed by UNICEF in 2017 for a quick assessment of the status of the 2015 CRC recommendations in consultation with the Government partner. Develop a similar matrix for reporting on the optional protocols. The matrix will facilitate the process of soliciting information by ISLD from all the concerned entities about CRC implementation.
3. Review the Core Document from the child rights perspective and identify areas to be strengthened.
4. Support the facilitation of an initial workshop with the concerned entities, provide up-to-date information on the reporting requirements and on the results of the legislative review (first visit). The workshop will review the information and data received and identify gaps.
5. Help define the next steps and the development a workplan for report drafting, with a particular focus on inclusive consultations and engagement of all the stakeholders, including CSOs and children.
6. Support the facilitation of a second workshop that will focus on the review of draft parts of the report and discussion on potential improvements
7. Help bring out interlinkages between the 2030 Agenda and human rights reporting and support the analysis of achievement of national child-related SDG indicators and country’s progress in terms of the ‘Leave No-one behind’ principle
8. Provide advice and technical support from distance during the report drafting stage, as needed.
9. Provide guidance for planning of a first and consultative alternative report from within the country (to be submitted in 2021)
10. Help UNICEF plan its further support to the CRC reporting process.

# Workplan and deliverables

The consultancy duration is 27 working days, covering the period of 25 December 2019 to 30 September2020. The distribution of days by tasks and corresponding deliverables are suggested below. The consultant is expected to work home-based most of the time (17 days home-based) undertaking two country visits (10 working days in-country) during the consultancy period. The below timeline is an attempt of deadlines, considering the period that will be needed for translation, sharing of documents and receipt of feedback.

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| Tasks | Days | Deliverables and target delivery dates  *specific delivery dates and details as to how the work must be delivered (e.g. electronic submission, hard copy), subdivided into “milestones” where appropriate* |
| * Conduct the review of the Core Document and the national legislation pertaining to child rights * Adapt, update and improve the matrix for solicitation of information from all the concerned | 12 days (home-based) | **20 Jan 2020**  Updated matrix and guidelines for solicitation of information from stakeholders  **25 Feb 2020**   * Draft summary of legislative review. * Suggestions for improvement of the Core Document from the child rights perspective |
| First country visit   * Support the facilitation of an initial workshop with the concerned entities, provide up-to-date information on the reporting requirements and on the results of the legislative review. * Help define the next steps and the development a workplan for report drafting, with a particular focus on inclusive consultations and engagement of all the stakeholders, including CSOs and children. * Help bring out interlinkages between the 2030 Agenda and human rights reporting and support the analysis of achievement of national child-related SDG indicators and country’s progress in terms of the ‘Leave No-one behind’ principle * Hold discussions on the initial findings of the legislative review and obtain additional information | 2 days (home-based)  5 days (in-country)  6-10 April 2020  *Mission dates*  *5-11 April* | **25 Mar 2020**  Revised summary of legislative review  Presentations on   * key considerations in CRC reporting and recent lessons learned * involvement of children and other stakeholders into the reporting process * results of legislative review and key recommendations * interlinkages between the 2030 agenda and human rights, in particular child rights |
| Provide advice and technical support from distance during the report drafting stage, as needed | 1 day (home-based) | **30 April**   * Mission report * Final report of legislative review |
| Second country visit   * Support the facilitation of a second workshop that will focus on the review of draft parts of the report and discussion on potential improvements * Provide guidance for planning of a first and consultative alternative report from within the country * Help UNICEF plan its further support to the CRC reporting process | 5 days (in-country)  Travel dates:  8-12 June 2020  *Travel dates:*  *7-13 June*  2020 | **25 May**  Presentation and other supporting materials on alternative reporting |
| Review of the draft state party report and make suggestions on improvements | 2 days (home based) | **30 September 2020**   * Suggestions on the draft report Final report * Recommendations for next steps for UNICEF’s support in the reporting process |

# Reporting requirements

All the reports and documents will be developed in English or Russian and translated by UNICEF, as needed.

# Payment schedule

The payment will be made in instalments, according to the following schedule.

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| **Deliverable** |
| * First instalment: 30/04/2020, upon satisfactory implementation of tasks as specified in the “Workplan and deliverables” table. The instalment will include 20 of consultancy days + costs of the first trip as per the agreed budget. |
| * Second instalment: 30/09/2020, upon satisfactory implementation of the follow-up visit and the provision of *the* **final report.** The instalment will include 7 consultancy days + costs of the second trip as per agreed budget |

# Work arrangements

Day to day supervision will be provided by the Child Rights Monitoring Specialist of the UNICEF Turkmenistan Country Office. Additional guidance and lead will be provided by the Deputy Representative.

UNICEF will regularly communicate with the selected consultant and provide formats for reports, feedback and guidance on performance and all other necessary support so as to achieve objectives of the exercise, as well as remain aware of any upcoming issues related to expert’s performance and quality of work. UNICEF will provide logistical support for the in-country trips, such as provision of office space, vehicle for site visits and official meetings, organisation and coordination of meetings, interpretation and translation and support with obtaining visa and registration, once in-country.

The selected consultant will make own arrangements for the travel. Travel costs for two trips in this consultancy should be estimated and included into the proposal (lump sum and break down by budget lines) along with the requested daily fee.[[1]](#footnote-1)

Travel costs not actually incurred due to travel mission cancellation, delays, contract termination or modification are subject to deduction from final contract amount.

UNICEF will support the process of obtaining visa. Before you leave for Turkmenistan, you need to obtain a valid visa and/or the Letter of Invitation (LoI) - official visa support letter (VSL) approved by the State Migration Service of Turkmenistan to enter the country. UNICEF will facilitate this process. Your passport must be valid for at least six (6) months at the time of applying for a LoI.

# General Terms and Conditions

UNICEF’s general terms and conditions will apply to the contract awarded to the vendor. Please note that, in the evaluation of the technical merits of each proposal, UNICEF will take into consideration any proposed amendments to the UNICEF General Terms and Conditions. Proposed amendments to the UNICEF general terms and conditions may negatively affect the evaluation of the technical merits of the proposal.

UNICEF retains the right to patent and intellectual rights, as well as copyright and other similar intellectual property rights for any discoveries, inventions, products or works arising specifically from the implementation of the project in cooperation with UNICEF. The right to reproduce or use materials shall be transferred with a written approval of UNICEF based on the consideration of each separate case. Consultants should always refer to UNICEF Turkmenistan support in developing the materials when publishing the results of the research conducted while in Turkmenistan in academic journals, books and websites.

In the event of unsatisfactory performance, UNICEF reserves the right to terminate the Agreement. In case of partially satisfactory performance, such as serious delays causing the negative impact on meeting the programme objectives, low quality or insufficient depth and/or scope of the assignment completion, UNICEF is entitled to decrease the payment by the range from 30% to 50% of the contract value as decided jointly by the Contract Supervisor and Operations Manager.

# Qualifications and Skills Required

The consultant should meet the following requirements:

* An advanced university degree in Public Policy, International Development or other related discipline;
* A minimum of 10 years relevant professional experience, in human rights, (preferably) including experiences supporting the CRC reporting in Europe and Central Asia;
* Proven experience and knowledge in human rights, education and social and child protection, and with international frameworks for the realisation of children’s rights
* Demonstrated experience of developing tools and guidance, capacity building and mentoring of professional staff
* Excellent analytical, writing, communication and facilitation skills;
* Proven ability to manage multi-sector projects;
* Fluency and strong writing skills in English. Knowledge of Russian and/or Turkish is an advantage;

# Technical Proposal

The technical proposal should include

* A cover letter, including
  + Assessment of suitability vis-à-vis the requirements of this ToR;
  + A summary of experience in similar assignments;
  + Links to/attachments of examples of similar work;
* Comments and suggestions on the ToR and proposed workplan and deliverables
* CV (including qualifications and experience)
* References

# Financial Proposal

Candidates are expected to submit a lump sum financial proposal to complete the entire assignment based on the terms of reference. The lump sum should be broken down to show the detail for the following:

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| **Items** | **Quantity** | **Unit cost** | **Total in USD** |
| Number of working days | 27 |  |  |
| Return ticket cost to and from Ashgabat | 2 |  |  |
| Living costs  (per diem for approx. 14 calendar days in Turkmenistan) | 14 |  |  |
| Other: *Specify* |  |  |  |
| Total in USD |  |  |  |

Please note that i) travel costs shall be calculated based on economy class fare regardless of the length of travel and ii) costs for accommodation, meals and incidentals shall not exceed the applicable daily subsistence allowance (DSA) rates, as propagated by the International Civil Service Commission (ICSC). Details can be found at <http://icsc.un.org>

1. *UNICEF is not covering any travel-related insurance (whether for health, third-party liability, accident or otherwise) nor does it provide any insurance coverage for this consultancy. The consultant is solely and fully responsibly for (and UNICEF will not be liable for) (a) any insurance coverage which may be necessary or desirable for the purposes of travel and (b) any and all liability, costs, expenses and claims arising out of or related to consultancy travel. Consultant must travel on UNICEF-approved airlines.*  [↑](#footnote-ref-1)