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| **Scope of Work**UNICEF Kazakhstan is looking for a consultant to develop a set of recommendations to the draft Digital Code in line with the children’s rights and human rights law norms. This approach involves comparing the relevant draft provisions with existing international norms, guidelines and practices around child rights in the digital environment taking into account the existing examples of digital laws and regulations, digital public goods standards and considering the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children’s rights in the digital environment. Additionally, the consultant will contribute to formulating the new or alternative text to strengthen the provisions of the draft Code.**Major areas of consultancy**The consultant is expected to successfully perform the following tasks:1. Conduct the review of the draft Digital code and identify the gaps
* Provide expert feedback and recommendations to the draft legal act, covering a range of questions on child’s rights, especially considering the implications for children's rights holistically, including both opportunities for optimising the realisation of children's rights as well as guarding against negative impacts on children's rights, including but not limited to their rights to protection from all forms of violence and exploitation, rights to privacy, rights to access information, promoting digital public goods standards, and child on-line protection, be gender and age sensitive.
* Provide support to key stakeholders in shaping the legislation, ensure quality and alignment with international children's rights standards.
* Participate in the legislative discussions during consultations with the ministry’s staff to answer the questions and receive the feedback.
* Provide updated recommendations to the draft code based on the feedback from the ministry’s staff
1. Provide final recommendations
* Present new and alternative text and justification with reference to the international norms and standards in a table format.
* Develop a summary of the main gaps, conclusions and recommendations and present it in a 5-pages policy brief based on conducted analysis.

**Deliverables**1. Conduct the review of the draft Digital code and identify the gaps* Gaps are identified based on the set of questions on child’s rights, especially by considering the implications for children's rights holistically, including both opportunities for optimising the realisation of children's rights as well as guarding against negative impacts on children's rights, including but not limited to their rights to protection from all forms of violence and exploitation, promoting digital public goods standards, and child on-line protection, be gender and age sensitive. The gaps should be presented in table format, setting out the issues/gaps and suggested solutions or amendments. The table will also include additional sources and examples to back up their recommendations with the following 3 columns: 1) Issue/gaps affecting children's rights, 2) Suggested solution or amendment; 3) Relevant sources/ examples from other jurisdictions
* Available formulated draft recommendations for the improvement of the draft digital code
* At least two consultations are attended with the ministry’s staff to answer the questions and receive the feedback
* Improvements to the draft recommendations are made

2. Provide final recommendations * A final table with the new and alternative text and justification with reference to the international norms and standards
* A policy brief on 5 pages presenting the summary of findings, conclusions and recommendations on conducted analysis.

**Proposed methodology**In reviewing the draft digital code, the consultant should consider how the code deals with the following aspects, among others, provide observations and recommended strategies:* The general principles of the CRC: non-discrimination, best interest of the child, right to life, survival and development, respect for the views of the child
* Impact on children and the full range of their rights: > How are children impacted (directly or indirectly) by the various provisions of the code? > Who from the central level is responsible for the impact of the digitalization on children? Who is liable?
* Positive effects on children: > How do the various provisions of the code promote and encourage industry, sectors (health, education, etc.) and others to positively impact children's rights through digitalisation?
* Negative effects on children: > Can children be negatively affected by this document? If yes, how? > How are limitations and risks are addressed?
* Conditions of children’s equal access to digital resources
* Child development and well-being: > how does the code consider children and their evolving capacities, taking into account different ages and stages in their development? Where the improvement is needed?
* Protection of children against cyber-aggression including cyber-bullying and abusive use of AI
* How the overall dimension of child protection against online risks of abuse including online child sexual abuse and exploitation is tackled in the digital code (beyond what would be needed in criminal code)?
* Data protection and privacy: > Which data is used in the sandbox or other mechanisms introduced by the Code? > How is it collected, managed and protected? > How is children’s privacy protected including in the context of AI? > Can users opt out of their data being used?
* Safety: > What mechanisms for child safety are in place?
* Accountability and redress: > Are child-sensitive mechanisms for accountability and redress in place? > Are children able, encouraged and supported to voice their concerns and complaints about the digital systems they are using?
* School level control and safety: What protection measures are ensured in schools to protect children from the dark web? What requirements are applied vis-à-vis use of smart phones? What is the responsibility of schools vis-à-vis cyberbullying?
* How government’s role is defined in identification, deployment, acceleration of digital public goods? Is there a reference to definitions and standards[[1]](#footnote-2)? Mention of Approved Open Licenses > Clear Ownership > Platform Independence > Documentation > Mechanism for Extracting Data > Adherence to Privacy and Applicable Laws > Adherence to Standards & Best Practices > Do No Harm
* How industry’s role is defined with respect to child rights in the digital environment?
* How does the code highlight the relationship with the private sector, and is the extent to which it aligns with the UN Guiding Principles on Business and Human Rights. The [OHCHR B-Tech Project](https://www.ohchr.org/en/business-and-human-rights/b-tech-project) provides extensive guidance on the UNGPs in relation to tech companies.
* How industry's role is defined to include specific recommendations for the Code to align with UNGPs on HRDD as well as GC25 in relation to requiring the business sector to undertake child rights due diligence

The consultancy will be guided by several international documents and available studies, but not limited to:* [Assessment of digital public goods in Kazakhstan](https://www.unicef.org/kazakhstan/en/reports/assessment-digital-public-goods-kazakhstan)
* [Council of Europe guides and recommendations](https://www.coe.int/en/web/children/the-digital-environment)
* [Digital public goods alliance standards](https://digitalpublicgoods.net/standard/)
* [General comment No. 25 (2021) on children’s rights in relation to the digital environment](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEG%2BcAAx34gC78FwvnmZXGFUl9nJBDpKR1dfKekJxW2w9nNryRsgArkTJgKelqeZwK9WXzMkZRZd37nLN1bFc2t)
* [Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse](https://www.coe.int/en/web/children/lanzarote-convention)
* [Principles for digital development](https://digitalprinciples.org/principles/)
* Child Online Protection: UNICEF Strategic Framework, 2023
* [UNICEF policy guide on AI](https://www.unicef.org/innocenti/media/1401/file/UNICEF-Global-Insight-tools-to-operationalize-AI-policy-guidance-2020.pdf), 2021
* [Global Insight Data](https://www.unicef.org/globalinsight/media/1741/file/UNICEF%20Global%20Insight%20Data%20Governance%20Manifesto.pdf)[[2]](#footnote-3)
* [UNICEF’s policy note and technical brief in EdTech](https://www.unicef.org/documents/child-protection-digital-education)
* Legislating for Digital Age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse, UNICEF, 2022
* Guidelines for policy-makers on Child Online Protection, ITU, 2020
* Guidelines for Industry for Child Online Protection, ITU, 2020
* Kazakhstan Kids Online Study, UNICEF, 2023
* And other.

**Duty station:** Home-based with scheduled communication with the supervisor and education and child protection programme teams**Timeframe (tentative)**The envisioned duration of the consultancy is for three months from May to July 2024. The actual duration of the assignment and schedule of activities will be agreed upon with the selected consultant based on the proposed implementation plan. The total estimated working days is 10 days within 3 months period. This subject to comparison of the proposals from candidates.  |

1. The Digital Public Goods Alliance (DPGA) defines Digital Public Goods as: “open-source software, open data, open AI models, open standards and open content that adhere to privacy and other applicable laws and best practices, do no harm, and help attain the SDGs.”; Source: https://digitalpublicgoods.net/about/ [↑](#footnote-ref-2)
2. <https://www.unicef.org/globalinsight/media/1741/file/UNICEF%20Global%20Insight%20Data%20Governance%20Manifesto.pdf> [↑](#footnote-ref-3)