**TERMS OF REFERENCE**

**Purpose of the Assignment: Consultant to Review the National Code of Marketing of Breastmilk Substitutes**

**Section Submitting: Child Health and Nutrition**

1. **Purpose and Objective:**

In Mozambique, only 43% of children under 6 months of age benefit from exclusive breastfeeding; just over half (52%) of children receive continued breastfeeding until at least 24 months; and about 69% of children aged 6 to 8 months receive solid, semi-solid or soft food in a timely manner.

An important factor that undermines efforts to improve rates of continuous breastfeeding is the aggressive marketing of breastmilk substitutes, as well as the promotion of bottles and pacifiers. In 2014, global sales of breastmilk substitutes totaled $ 44.8 billion, and that number is expected to rise to $ 70.6 billion by 2019.

To change this situation, mothers and families need that adequate infant feeding practices are promoted, protected and supported, and for that, it is crucial that the legal mechanisms for controlling the marketing of breast milk substitutes be strengthened.

Mozambique is one of the signatory countries to the International Code for Breastmilk Substitutes and, accordingly, the country adapted and approved the National Code for the Commercialization of Breastmilk Substitutes (CCSLM) approved in 2007 through the Ministerial Diploma No. 129/2007, which entered effective in October 2008. The dissemination and monitoring of the Code are essential to ensure that manufacturers, distributors and traders of Breast Milk Substitutes (SLM) are aware of and comply with the Code.

Therefore, in the last 5 years the Ministry of Health through the Department of Nutrition has intensified the training of health professionals, inspectors of economic activities, and has also carried out joint educational and training mentoring (in hospitals, commercial establishments including pharmacies) with the National Institute of Economic Activities (INAE) of the Ministry of Industry and Commerce at national and provincial level, to raise awareness of the CCSLM, pending the approval of the joint Ministerial Diploma to initiate penalties for violations of this Code.

It is the responsibility of all sectors, from health to academia, to ensure compliance with the CCSLM in health units, communities, commercial establishments, workplaces, schools and families, thus ensuring healthy and adequate growth for children.

Associated with this, it is possible to denote that the CCSLM came into force in 2008, and the marketing tactics of the products covered by this code have evolved considerably and there is a need to ensure the updating of the legal instrument so that they respond punctually to the increasing marketing maneuvers, that the updating of articles over the years is more flexible, that they do not leave room for double interpretation, and that the penalties are adjusted to the current times in order to sensitize all stakeholders to protect, promote and support child health through breastfeeding.

Based on that, there is a need to hire a consultant who will provide technical assistance regarding the revision and updating of the CCSLM, with the objective to disciplining, controlling and regulating the marketing, distribution, advertising and sale of substitutes and complements breast milk and other products used as vehicles for the administration of these substitutes and supplements.

**Objectives**

* Review and update the National Code of Marketing of Breast Milk Substitutes (approved through Ministerial Diploma No. 129/2007 of 3 October);
* Support the strengthening of legal measures that ensure the effective implementation of the Code.

1. **Methodology and Technical Approach:**

The work done by the consultant should be led and guided by Ministry of Health focal points and the consultant will complement and contribute its expertise in the issues raised as crucial. A UNICEF nutrition specialist will be responsible for overseeing the work carried out.

The technical assistance will be provided through a daily presence of the Consultant at the Ministry of Health – Nutrition Department for participation in meetings at the level of the technical groups, technical advisory services to the infant feeding area and complementarity of the activities carried out by the focal points of the Working Group on Infant Feeding. The consultant will have to work from UNICEF one day per week to align all the activities with the Nutrition Team.

A monthly work plan will be prepared by the consultant and reviewed jointly by UNICEF and MISAU, where objectives and products will be described.

1. **Activities and Tasks:**

The following tasks will be performed according to the schedule shown below:

1) Elaboration of a work plan;

2) Document Analysis (literature review of relevant national and international documents in this matter);

3) Meetings, interviews, discussion groups with the relevant sectors and services as well as with civil society in order to collect information for the review;

4) Presentation of the preliminary proposal of the CCSLM with the inclusion of the destination of the fines;

5) Active participation in the validation discussions of the final version of the CCSLM;

6) Finalization and presentation of the consultancy report;

7) Presentation of the final proposal of the CCSLM, after the inclusion of the relevant subsidies from the competent entities.

It is expected that by the end of the consultancy, the final version of the code will be presented and submitted to the Assembly of the Republic.

***Deliverables and Payments***

Payments will be processed upon acceptance of the corresponding deliverable and against an invoice that will make reference to the contract reference and deliverable number. Payments will be approved by the respective section chief.

*Deliverable 1:*

Delivery timeframe: By end of May

Deliverable/product(s): a) Situation Analysis Report; b) Elaboration of the work plan and methodology; c) Literature review; d) Consultation with civil society.

Payment: **10% of total contract amount;**

*Deliverable 2:*

Delivery timeframe: mid of June

Deliverable/product(s): a) Public consultation at all sectors involved in the Code; b) Final Report of the Public Consultation

*Deliverable 3:*

Delivery timeframe: End of July

Deliverable/product(s): First Draft of the Code reviewed and presented

Payment: **40 % of total contract amount;**

*Deliverable 4:*

Delivery timeframe: By end of August

Deliverable/product(s): *First Version of The Code Finalized and presented in a workshop*

Deliverable 5:

Delivery timeframe: By end of September

Deliverable/Product(s): Inputs of the workshop included at the draft of the new version of the code

Payment: **30 % of total contract amount;**

Deliverable 6:

Delivery Timeframe: By end of October

Deliverable/Product(s): a) Final version of the Code submitted

b) Final report of the consultancy submitted

Payment: **20 % of total contract amount;**

1. **Management and Supervision:**

The consultant will report to the nutrition specialist, P3. The incumbent is expected to work 90% of his time from Ministry of Health and 10% in UNICEF, meaning that the consultant have to work from UNICEF one day per-week.

1. **Qualifications and Specialized Knowledge:***.*

* Academic qualifications: Bachelor or Master degree in Law or similar areas;

The required qualification must be proven through declarations and diplomas issued by suitable entities, public or private, national or foreign. Having a master's or specialty in law or related fields can be an asset.

**Work experience:**

* Minimum experience of 5 (five) years in elaboration of law projects;
* Extensive experience in designing policies, strategies, guiding documents in the area of ​​Public Health;

**Specific knowledge, competencies, and skills required**:

* Ability to interpersonal communication and ability to transmit knowledge;
* Good ability to work with multidisciplinary teams and in multicultural environments.

**Language skills:**

Fluent in Portuguese and English

1. **Conditions of Work:**

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| **Items** | **Provided by UNICEF** | | **Remarks** |
| **Yes** | **No** |
| Service incurred death, injury or illness | x |  | Per the provisions of CF/IC/2013-001 on insurance coverage “in cases of service-incurred injury, illness or death under a third-party provider”. |
| Health Insurance |  | x |  |
| Office Space | x |  |  |
| Computer in office premises |  | x |  |
| Access to printer in the office premises | x |  |  |
| Airtime |  | x | Data up to: amount  Voice up to: amount |

1. **In-country Travel.**

Approved travel within Mozambique will be covered/reimbursed by UNICEF as follows:

Option a. Air tickets to be purchased by the consultant from approved airlines and reimbursed by UNICEF; per diem at 75% of the applicable UN Mozambique DSA rate (for the whole night spent outside the place of assignment), on a reimbursable basis; taxi/transport costs to and from the airport, on a reimbursable basis supported by the submission of original invoice/bill/receipt. All reimbursables to be included in their respective invoices.

Option b. Travel organised by UNICEF through a Travel Authorisation per the applicable policy, with standard terminal expenses, and per diem at 75% of the applicable UN Mozambique DSA rate.

1. **Evaluation Criteria**

The selection of the consultant will be based on a “best value for money” principle. Interested candidates should, in addition to submitting their CV and cover letter, indicate their all-inclusive fees (including travel, subsistence costs, etc.) for the services to be provided. The office shall select the individual who quoted the lowest fee from the list of individuals who are deemed technically suitable for achieving all tasks in time. The technical evaluation criteria are stipulated below.

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| **Item** | **Technical Criteria/Qualifications** | **Max. Points** |
| **1** | **Education** |  |
| **1.1** | University degree in law or similar area | 20 |
| **2** | **Work Experience** |  |
| **2.1** | At least 5 years of experience in elaboration of law projects and technical assistance in Nutrition | 30 |
| **3** | **Technical Skills and Knowledge** |  |
| **3.1** | Extensive experience in designing policies, strategies, guiding documents in the area of ​​Public Health; | 30 |
| **3.2** |  | 20 |
| **3.3** | Language skills fluent in Portugese and English |  |
|  | ecblank**Total Technical Score** | **100** |
|  | **Minimum Technical for pass to financial assessment** | **75** |
|  | *Only those candidates meeting the minimum technical score will be eligible for further review.* | |

1. **Remarks:** *None*