

Terms of References

for a local organization

To Strengthen the Capacity of the Justice and Child Protection System to Effectively Handle the Cases on Separation of Children from Their Families

1. Background

UNICEF, with the support of the European Union, aims to promote effective protection of children by enhancing child protection and justice systems.¹ The purpose of this assignment is to support the implementation of the provisions of the Code on the Rights of the Child and strengthen the capacity of the justice, as well guardianship and care system to handle cases concerning separation of children from family.

The Code on the Rights of the Child² introduces judicial supervision over the decision-making process for the separation of children from their families and placement in state care. According to Article 26 of the Code on the Rights of the Child, final decision over cases of separation of children from their families is up to the judge of the relevant city/district court based on the motion of the relevant social worker. This is a new dimension for the Georgian judiciary as well as for the State Care Agency and the Ministry of Internal Affairs.

Along with the procedures on child separation from families, the Code highlights the right of every child to be raised in a loving family environment in which his or her developmental needs are consistently met. The Code states that the child shall not be separated from his/her parents without his/her will, except situations when the removal is necessary for the child's best interests.³ It is also inadmissible to separate a child from the parent/family because the parent does not have adequate living conditions or sufficient financial/material resources or when the parent is a person with disability. Separation from the family should be carried out as the measure of last resort and considered as a temporary solution. Sufficient work should be done to return all the children placed in state care to their family environment and effort put for the child to maintain ties with the family.

A child-friendly justice system implies that children, in all decision-making processes concerning them, including separation cases, shall have the right to participate and be heard, and that they shall have access to competent, independent, and impartial mechanisms when their rights are violated. According to this system, all children have the right to be treated considering their age and respecting their dignity and right to express opinion at any stage of the proceedings. In all actions concerning children, and whether they are carried out by a public or private organization, court, administrative body or legislature, the best interests of the child must always be of a primary consideration.⁴

A child-friendly justice system under the Code on the Rights of the Child covers regulations, procedures in place and specialized professionals to protect their best interests. To effectively implement the new child

¹ EU/UN Joint Project "Strengthening systems and services for child protection in Georgia."

² The Code on the Rights of the Child was adopted in September 2019 and entered into force in September 2020.

³ Art. 26, the Code on the Rights of the Child.

⁴ Article 3, CRC.

separation procedures stipulated in the Code on the Rights of the Child, in 2020-2021, UNICEF with the participation of local and international experts supported the development of a concept document and guidelines regarding the implementation of Article 26 of the Code on the Rights of the Child on separation of children from their families. UNICEF assisted preparation of the assessment forms for social workers and piloting of the new procedures and working instruments. UNICEF also strengthened the capacity of the professionals by conducting trainings for administrative law judges and social workers. Finally, UNICEF supported the analysis of the national legislation and preparation of draft amendments to ensure the compliance with Article 26 of the Code on the Rights of the Child.

In addition to the new child separation procedures, there is a need to develop relevant methodology and instruments, strengthen capacity of professionals (judges, social workers, lawyers), enhance intersectoral cooperation between involved parties and establish common practice throughout the country.

To undertake this comprehensive task, UNICEF seeks to select and contract a local organization to provide support to the judiciary, lawyers, and social workers to enhance procedures, legislation and relevant methodology and strengthen capacity of professionals for handling cases of separation of children according to the provisions of the Code on the Rights of the Child. This, on the one hand will protect the best interest of children and safeguard legal guarantees of parents involved and on the other hand, ensure the right to family environment to the maximum extent possible.

2. Overall objective of the Consultancy

Overall objective of the assignment is to provide technical assistance to enhance the capacity of justice and social work professionals for handling cases of separation of children. This will imply the support to major stakeholders (Judiciary, Legal Aid Service (LAS), Georgian Bar Association (GBA) and State Care Agency (SCA)), to enhance procedures, legislation, relevant working methodology and instruments. UNICEF will provide support for specialization of the justice and child protection system and enhancement of the multisectoral cooperation with increased capacity and adapted procedures.

3. Specific Tasks:

Assignment for the local organization shall be carried out in the following three directions:

1) To enhance procedures, legislation, methodology and develop relevant guidelines to support the implementation of the provisions of the Code on the Rights of the Child on the separation of children from their families

- To conduct further analysis of different laws (Law on Domestic Violence, Administrative Procedural Code, Civil Code, Civil Procedure Code, etc.) related to the issue of separation of children from families and make recommendations for bringing these into compliance with the requirements of the Code and the Convention on the Rights of the Child;
- To develop working instruments and methodological guidelines for the professionals involved in the process (lawyers, judges, social workers);
- To create one unified document/vision to support smooth implementation of the procedures. This should be built upon the existing documents supported by UNICEF within previous projects.

The methodological guidelines will cover:

- special aspects related to children with different needs, gender, age category and disability, especially in relation to their participation in the legal proceedings;
- special aspects related to the multidisciplinary approach in preparing the case for the court and assessment of the best interests of the child and right to family environment;
- special aspects related to participation of social workers, lawyers, and other parties in the oral hearings and other legal proceedings;
- special aspects related to the periodic review of the decisions on separation cases;
- procedural aspects to apply legal safeguards introduced by the Code on the Rights of the Child for children at risk to be separated from families and after separation;
- legal guarantees of parents.

2) *To strengthen the capacity of the justice and child protection system to handle cases concerning separation from family and placement of children in alternative care*

- To develop a training package for professionals working on cases of child separation from family.

The package shall contain separate training modules for the three main groups of professionals (judges, lawyers, social workers). Considering the specific role of each group of professionals in the family separation proceedings, the modules shall include:

- legal/procedural and methodological aspects;
- separation criteria;
- theoretical as well as practical aspects of child friendly approaches;
- specific approaches and skills for assessing and determination of the best interests and child participation in the legal proceedings;
- issues concerning child with disabilities and gender;
- skills on needs and age-oriented communication techniques and methodologies;
- practical exercises.

The training package should be agreed and approved by relevant authorities and serve as a basis for specialization of relevant professionals including social workers and others.

- To deliver united trainings of trainers (ToT) and to strengthen capacity of relevant training centers (High School of Justice, Training Center of the Legal Aid Service, Training Center of the Georgian Bar Association, State Care Agency) through institutionalizing training materials and ensuring the continuation of trainings, namely:
 - To define the criteria and assist in the selection of potential trainers in close coordination with the training institutions of relevant agencies;
 - To deliver one separate ToT for each professional group (lawyers, judges, and social workers) and two united ToTs;
 - To develop recommendations for the integration of the training package into existing training programmes as per the need of the system.
- To conduct (/facilitate) in-depth specialization trainings for relevant professionals for the effective implementation of the provision related to child separation from family.

Trainings will be conducted for all administrative law judges (up to 4 groups), LAS lawyers working on administrative cases (up to 15 lawyers), 3 groups of the Georgian Bar Association (GBA) lawyers and 3 groups of social workers.

3) *To Establish multidisciplinary mechanism / To support multisectoral cooperation:*

- To organize 3 multidisciplinary meetings/workshops through developing relevant multidisciplinary approaches and strengthening communication between different professionals involved in the administration of cases of child separation from family.

The purpose of the multidisciplinary meetings/workshops will be to identify problems and issues to be addressed, receive guidance, and strengthen communication and coordination between different professionals.

4. Deliverables:

- Workplan of the planned activities for the full implementation of the project (10%).
- Revised concept document, improved methodological guidelines including working methodologies and instruments for professionals (Judiciary, LAS, GBA, State Care Agency) to work on cases of child separation from family (15%).
- A training package with separate modules for different groups of professionals (Judiciary, LAS, GBA, State Care Agency) and detailed recommendations for the integration of training package into existing programmes of relevant training centers (15%).
- Reports of the multidisciplinary meetings/workshops and recommendations to address the existing practical issues and strengthen communication and coordination between different professionals (20%);
- Reports of the united ToTs and specialization trainings for each profession (judges, lawyers of LAS and GBA, social workers) (40%).

5. Required qualifications, experiences, and competencies:

- Extensive experience of working in the fields of civil and administrative justice, child protection, access to justice, social work field, including experience in working on cases of child separation from family and placement in alternative care;
- Extensive experience in designing concepts, guidelines, working methodologies, practical tools and manuals for institutional development using multidisciplinary approaches and methodologies including on issues related to child's rights;
- Experience in designing training modules, and materials for professionals working with children in child protection system including on issues related to child's rights;
- Experience in organizing and facilitating trainings for various specialists including justice professionals and social workers, more specifically experience in working with children separated or at risk of being separated from family;
- Experience in organizing multidisciplinary meetings and workshops with participation of various professionals on strengthening communication and coordination and addressing existing problems in practice;

- Comprehensive knowledge of Georgian child protection system with an emphasis on social work, alternative care and national mechanisms for child protection.
- Comprehensive knowledge of Georgian civil and administrative justice system and international standards;
- Ability to offer high level technical expertise in the civil and administrative justice fields;
- Networking experience.

6. Supervision:

The organization will work under the direct supervision and guidance of UNICEF Georgia’s Child Protection Officer (Access to Justice and Legal Reform).

7. Payment modality:

Payments to the contracted organization will be made in accordance with a pre-determined schedule developed before signing the contract in proportion to the work to be performed. Each payment will be based on a submission of a deliverable for the work already completed.

8. Selection and evaluation process

Evaluation Criteria: The Evaluation ratio between the technical and financial proposal is 70:30.

Technical Proposal: 70

- Overall correspondence between ToR requirements and proposal (specific tasks, deliverables) -15
 - Experience of the entity in similar assignments (disability inclusion, organization of consultative processes, enhancing capacity of grassroot organizations) - 30
 - Qualifications and expertise of proposed experts – 25 points.
- Total - 70

Only proposals which receive a minimum of 70% (42 points) will be considered further.

Price Proposal: 30

The price proposals in GEL should include detailed breakdown of all listed tasks and deliverables.

The total amount of points allocated for the price component is 30. The maximum number of points will be allotted to the lowest price proposal that is opened and compared among those invited bidders who obtain the threshold points in the evaluation of the technical component. All other price proposals will receive points in inverse proportion to the lowest price, e.g.:

Score for price proposal X = (Max. score for price proposal) * (Price of lowest priced proposal) / (Price of proposal X).

Total Technical and Price 100 Pts.

UNICEF will award the Institutional Contract to the entity, whose response is of high quality, clear and meets the project goals.

The final evaluation of the proposal shall have two components # the technical evaluation score and financial evaluation score. For the overall proposal evaluation, the following formula will be applied, whereby the technical proposal has a weight of 0.7 and the price proposal has a weight of 0.3.

The final score is a calculation based on the following formula:

$SC_{com} = 100 * (0.7 * TP_{com} / TP_{max} + 0.3 * FP_{min} / FP_{com})$, where: SC_{com} # final score of the company (it is between 0 and 100)

TP_{max} # maximum technical score (≤ 70)

TP_{com} # technical proposal score of the respective company FP_{min} # minimum financial score (≤ 30)

FP_{com} # financial proposal score of the respective company.

9. Agreement arrangements

- The work will be conducted over a period of 15 months;
- UNICEF will support the organization in establishing contact with necessary stakeholders and arrange meetings with all relevant parties;
- No Sub-Contracting is allowed or inclusion of the overhead (HQ) costs.

10. Application should include

- In a sealed envelope Project's technical proposal including description of the proposed work plan, timeline, and working methodology; and CVs of suggested experts;
- In a separate second sealed envelope: proposed budget with indication of proposed fees.

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