

Terms of References

for a local organization

To Support the Capacity Building of Criminal Justice Professionals to Effectively Apply Child-Friendly Justice Approach towards Child Victims and Witnesses of Crime

1. Background

UNICEF, with the support of the European Union¹, aims to promote effective protection of children by enhanced child protection and justice systems. The purpose of this assignment is to support access to quality child-friendly justice and effective application of child-friendly approach towards child victims and witnesses of crime.

The Juvenile Justice Code of Georgia, as well as the Code on the Rights of the Child provide significant safeguards for child victims and witnesses of crime and child victims of violence. However, the implementation of high standards guaranteed by legislation is problematic in practice. The justice system in Georgia is not able to fully offer a child-friendly approach to children who suffered from or witnessed a crime.

According to the Juvenile Justice Code, all criminal justice professionals who work with children have passed specialization training. Yet, specialization of justice and non-justice professionals needs to be further strengthened through in-depth capacity building.² Insufficient specialization of justice professionals, lack of coordination between different specialists involved in the juvenile justice process (psychologists, social workers, victim/witness coordinators) and absence of uniform understanding of their functions and responsibilities jeopardize rights of children and cause risks for their revictimization.

In 2020, the Ministry of Internal Affairs (MoIA) created a specialized Juvenile Unit in Tbilisi which deals with investigation of crimes committed by and against children. It is essential to expand similar units throughout the country and strengthen the capacity of child investigators. In addition to this, it is important to strengthen the involvement and functions of victim/witness coordinators of the MoIA as well as the General Prosecutor's Office. The work of these professionals from two different agencies needs to be well coordinated to avoid an overlap between their functions and ensure good cooperation between other specialists involved in the process (lawyers, psychologists, social workers). At the same time, it is of an utmost importance to ensure provision of all necessary support to victims through avoiding unnecessary contact with numerous professionals which may lead to further traumatization and revictimization of a child.

To undertake this comprehensive task, UNICEF plans to partner with a local organization to provide technical support to the Ministry of Internal Affairs, General Prosecutor's Office, Judiciary, Legal Aid Service (LAS) and Georgian Bar Association (GBA) for better application of child-friendly approach towards child victims and witnesses of crime.

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

² Special report of the Public Defender of Georgia on the Protection of Procedural Rights of Child Victims, Witnesses of Crime and Accused Juveniles, Tbilisi, 2020, available at <http://www.ombudsman.ge/res/docs/2020031011495929884.pdf>

2. Overall objective of the Assignment

The overall objective of the assignment is to support the effective application of a child-friendly approach towards child victims and witnesses of crime. This will require the capacity building of major stakeholders, including development of a working methodology to work with child victims/witnesses of crime and violence. UNICEF will provide support for further specialization of the criminal justice system. A special focus will be made on the ability of the justice system to handle increased numbers of violence cases³ against children and to ensure access to justice for children with disabilities, as well as the use of gender sensitive approaches with increased capacity and adapted procedures.

3. Scope and the Specific Objectives of the Assignment

The assignment for the local organization shall be carried out in the following directions:

- To develop relevant guidelines, working methodology and instruments for professionals (lawyers, prosecutors, judges, investigators) to work with child victims and witnesses of crime and violence

The guidelines, working methodology and instruments will cover:

- special aspects related to children with different needs, gender, age category and type of crime;
- issues related to interviewing /interrogation of children and strengthening application of special instruments to minimize risk of re-victimization of children in justice proceedings;
- management of re-victimization cases;
- procedural aspects to apply legal safeguards introduced by the Juvenile Justice Code as well as the Code on the Rights of the Child for child victims and witnesses of crime.

- To develop a training package on child-friendly approaches for professionals working with child victims and witnesses of crime

The package shall contain separate training modules for the main groups of professionals (police, including specialized Juvenile Unit in Tbilisi Police Department, prosecutors, lawyers, judges). Considering the specific role of each group of professionals in the juvenile justice proceedings, the modules shall include:

- legal (Juvenile Justice legislation and procedure) and psychological issues related to interviewing and interrogating child victims and witnesses;
- application of International Evidence-Based Investigative Interviewing of Children (NICHHD Protocol);
- theoretical as well practical aspects of child friendly approaches;
- specific approaches and skills for assessing and determination of the best interests and hearing the views of the child;
- issues concerning child victims with disabilities and gender;

³ According to the General Prosecutor's Office the number of child victims was 758 in 2017, while this number was increased to 1257 in 2019.

- skills on needs and age-oriented communication techniques and methodologies;
 - practical exercises.
- To deliver united trainings of trainers (ToT) and to strengthen capacity of relevant training centers (Police Academy, Training Centre of the General Prosecutor’s Office, Legal Aid Service, Georgian Bar Association, and the High School of Justice) through institutionalizing training materials and ensuring the continuation of trainings.
- Define the criteria and assist in the selection of potential trainers in close coordination with the training institutions of relevant agencies;
 - Deliver two united ToTs for lawyers, investigators, judges, and prosecutors;
 - Develop recommendations for the integration of the training package into existing training programmes.
- To conduct (/facilitate) 10 in-depth specialization trainings for relevant professionals on specific needs of child victims and witnesses of crime in criminal justice proceedings
- Trainings for two groups of each profession, up to 150 professionals (police, prosecutors, lawyers, judges) will be conducted.

Two trainings for investigators of MoIA Juvenile Unit (Tbilisi) and two trainings for investigators working in other regions of Georgia shall be conducted separately. Trainings of investigators of Tbilisi Juvenile Unit will serve as a model for other capacity building activities for other investigators of MoIA.

Trainings will apply a multidisciplinary approach and cover all aspects described above in working methodology and training package Scope and Special Objectives including legal, psychological, and social work issues.

- To conduct separate and joint training workshops for up to 30 Victim/Witness Coordinators of the MoIA and Victim/Witness Coordinators of the General Prosecutor’s Office to work on cases involving child victims and witnesses of crime.

One training will be conducted for each group separately and two joint workshops with participation of coordinators from both agencies. In the workshops the involvement in the multidisciplinary discussions throughout the country needs to be ensured.

4. Deliverables:

- Workplan of the planned activities for the full implementation of the project (10%).
- Guidelines, working methodology and instruments for criminal justice professionals (the MoIA, General Prosecutor’s Office, Judiciary, LAS, GBA) to work with child victims and witnesses of crime and violence (10%).
- A training package with separate modules for different groups of professionals and detailed recommendations for the integration of training package into existing programmes of relevant training centers (10%).
- Reports of the united ToTs (20%).

- Reports of in-depth specialization trainings for each profession (police, including specialized Juvenile Unit in Tbilisi Police Department, prosecutors, lawyers, judges) (20%);
- Reports of separate and joint workshops for Victim/Witness Coordinators of the MoIA and Victim/Witness Coordinators of the General Prosecutor's Office (30%).

5. Required qualifications, experiences, and competencies:

- Extensive experience of working in the fields of juvenile justice, child protection, access to justice including experience in working with child victims and witnesses covering legal, psychological, social work and other relevant areas;
- Extensive experience in designing concepts, guidelines, working methodologies, practical tools and manuals for institutional development using multidisciplinary approaches and methodologies in the justice area involving children victims and witnesses of crime;
- Experience in designing training modules, and materials for professionals working with children;
- Experience in organizing and facilitating trainings for various specialists including justice professionals on issues concerning children in the justice system, more specifically, children victims and witnesses of crime and violence;
- Experience in organizing multidisciplinary meetings and workshops with participation of various professionals on strengthening communication and coordination and addressing existing problems in practice;
- Ability to offer high level technical expertise in the justice and juvenile 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 to 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 24 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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