



Terre des hommes

Helping children worldwide.

TERMS OF REFERENCE

Consultancies to facilitate the Child Advisory Group meetings on challenges and needs of initial assessment of children & youth in conflict with the law from Detention Facilities in Romania, as well from Child Protection Institution from Romania

FOCUS PROJECT

”Promoting the implementation of robust & multidisciplinary individual assessment practices, through restorative justice processes”

Selection of a long-term national facilitator conducting the Child Advisory Group meetings on challenges and needs of initial assessment of children & youth in conflict with the law from Detention Facilities and Child Protection System in Romania.

Tdh Regional Office in Hungary, in partnership with Terre des hommes Romania, Child Circle, Belgium, Defence for Children-ECPAT Nederland, Child Rights Center Serbia, SAPI Bulgaria and Tdh Hellas is leading the project [“Focus on my needs - Working together for children in criminal proceedings”](#) (January 2020 - December 2021). The project’s main objective is to ensure that children in contact with the law, as victims and offenders, receive individualized care and have access to personalized support and responses by promoting the implementation of robust & multidisciplinary individual assessment practices, including through restorative justice processes. The project is funded by the Rights, Equality and Citizenship Programme of the European Union.



1. Terre des hommes in Romania and the region of Eastern Europe

Terre des hommes (Tdh) is a Swiss non-governmental organization that develops programs and projects in more than 40 countries to protect children in need. In Romania, Terre des hommes had a continuous presence since 1992 and every year thousands of children and their families benefit from projects under our three main interventions: (1) Strengthening child protection and juvenile justice systems, (2) Protection of children affected by migration (+anti-trafficking), and (3) Social inclusion of Roma and other vulnerable groups. Following an assessment done by the global child safeguarding movement **Keeping Children Safe**, Terre des hommes has been awarded the highest recognition - "Level 1 certification" - for safeguarding children. Tdh's approach aims to reduce the social exclusion, neglect and/or abuse of vulnerable children by supporting local initiatives through technical assistance, grant allocation and community building.

The organization encourages children to make the right decisions to complete their personal capabilities, giving them the chance to build their future. The organization's activity includes close collaboration with parents, community members and state institutions. Particular attention is paid to the sustainability of the services offered. **Terre des hommes** started working in the juvenile justice domain in 1997. Since then, has been active in legal assistance, judicial lobby, training of trainers for magistrates (judges and prosecutors), in advocacy for the existence of judges for minors, in strengthening the role and participation of children, in providing support for the protection and reintegration of children in conflict with the law.

The overall goal and strategic vision of Tdh' Access to Justice programme (A2J) is that by 2020, Tdh has contributed significantly and sustainably to improving access to formal and informal justice systems by children in Europe. Tdh plans to contribute to developing and improving justice systems by enhancing the restorative approach and in particular by promoting alternatives to trials, detention and specialized custodial care for children. To that end, Tdh has developed a Theory of Change with 4 pillars for Justice:

1. Children and children in conflict with the law benefit from non-custodial measures - Tdh will work closely with professionals across the chain of justice, including police, prosecutors and judges, and ensure that the necessary legislation is in place, to enhance the use of diversion and alternatives to detention.

2. Girls, boys and children in detention are treated with dignity and prepared for reintegration – Tdh will work with staff in detention facilities and professional training institutions for justice professionals more widely, in order to mitigate the harmful effects of deprivation of liberty on children and shift the culture of detention facilities to decrease violence, optimize rehabilitation, and reduce recidivism.

3. Prevention & reintegration services for children are improved - Tdh will work with families, community-based organisations and community leaders, to nurture a compassionate and supportive environment to ensure that violence against children and committed by children is reduced and that children are reintegrated into their communities.

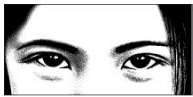
4. Synergies in contexts of legal pluralism enrich children's experiences of restorative justice - Tdh will support coordination amongst formal justice actors, both secular and religious, and customary justice actors, including indigenous actors, to promote recognition of positive restorative practices and better decision-making that upholds the best interests of the child.

2. Romanian Justice System for Children and Youths

In Romania the penal procedure consists of three stages: 1) penal or criminal investigation, 2) trial and 3) enforcement. It includes in general the following institutions: police, prosecution, courts, probation services and penitentiaries. As far as juveniles are concerned more institutions are involved: social services, child protection departments, child protection commissions, residential centers, educative centers and detention centers.

During the last 5 years, approximately 20'000 minors were sent to court, of which 15'000 were convicted. In 2018 alone, there were 1'266 minor and young adult detainees recorded in all of Romania (28% between 14-18 years old and 72% between 18-21 years old).

The New Penal Code, entered into force in 2014, has reduced punishments for the majority of offences and enhanced the types of custodial educative measures. During the last two years, approximately 800 children were convicted to such custodial educative measures. They are enforced in detention facilities.



Most youth offenders in Romanian detention centers have a rather low educational level¹. They face difficulties in reading, writing and numeracy, as well as conducting basic social interactions. The classes provided in the detention facilities follow the national curricula and are not adjusted to the specific needs of youth offenders.

In addition, the vocational training courses do not prepare the youths enough to give them a fair chance of finding employment upon their release. Job coaching is not provided, and the number and range of vocational training courses available is limited.

While in detention, youth offenders are kept separate from adult detainees and are dealt with by staff especially assigned to assist children and adolescents. However, there are concerns manifested by child protection and judicial specialists, but also by the prison staff itself, that the juvenile justice system should provide a better response to the mental and emotional needs of children and youth in detention. There is much need to shift focus to a more **rehabilitative approach** in the design of individual assistance and re-education plans. Adolescents need help to identify their strengths and acquire social and life skills. A more comprehensive individual assessment must be made of each youngster. It will need to be followed up by a plan based on realistic outcomes. Interventions need to be designed and delivered in a more child-friendly way and adapted to the specific needs of youth offenders.

3. Project description

FOCUS project, is implemented in Bulgaria, Greece, Romania, Serbia and The Netherlands to develop and establish a practice of multidisciplinary individual assessment that will ensure individualised responses, in the best interest of the child. For this, we build the capacity of professionals and create new tools, as well as empower children and young people to contribute to a more child-friendly justice.

The project aims to protecting children through improved practices.

We are revising the existing tools, practices and procedures for individual assessment of children in criminal proceedings in Europe. Then we will develop common standards and design specific tools to conduct multidisciplinary individual assessments. Through our face-to-face and online trainings, 465 law enforcement and judicial professionals, lawyers, social workers, health professionals, psychologists will learn to use the tools and to work in a multidisciplinary way.

When a child is involved in criminal proceedings, as victim or offender, relevant legal and child protection, professionals should analyse together all the aspects of the child's life, identifying his/her strengths and vulnerabilities. This multidisciplinary individual assessment helps to guarantee the access to a fair justice for the child. It is crucial for avoiding discrimination and allowing all children to benefit from the available support services, including restorative justice. Although so important, many countries in Europe have little experience in applying multidisciplinary individual assessment in a proper way.

4. Summary of activities / tasks

The facilitator will provide the services of organizing workshops with CABs (Child Advisory Board) within the FOCUS project having the following work tasks:

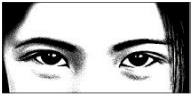
- Development of materials (based on the thematics provided by Tdh) for workshops (1 day / workshop, 3 workshops per month, 8 months) - **24 days** in total.
- Organization of 24 of workshops (3 workshops per month, for 8 months between April - December 2021) - **24 days** in total.
- Monthly preparation of the report of the workshops (1 day per month, 12 months) - **8 days** in total.
- Write a detailed report reflecting the main findings during the facilitation sessions at the end of the project. The report should have approximately 5-6 pages long – **5 days**.

61 days in total.

Ethical principles

The following general cross-cutting principles will guide the processes:

¹ National Administration of Penitentiaries Romania, Annual Report 2017: <http://anp.gov.ro/wp-content/uploads/2018/03/Raport-activitate-ANP-2017.pdf> (p.21)



- The principle of “**the best interests of the child**” (Article 3, Child Right Convention) should be of primary consideration in all actions affecting children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.
- The principle of “**non-discrimination**” (Article 2, CRC) whereby all key-principles and fundamental rights enshrined in the CRC apply to all children, irrespective of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- The principle of “**child participation**” (Article 12, CRC) acknowledges the right of children to express their views freely in all matters affecting them, the views of the child being given due weight in accordance with the age and maturity of the child.

5. Experts profile / Applicant Requirements:

- Long-lasting studies (master or PhD) in social sciences (sociology, social assistance, psychology, political science etc.) or law;
- Proven experience in conducting needs assessments to feed into strategic and operational planning, particularly in the field of juvenile justice and strengthening child protection systems and in working with professionals/administrative personnel;
- Excellent communication skills;
- Experience in working with vulnerable groups, including children;
- Excellent command of English;
- Knowledge of juvenile justice system in Romania and at the global level represent an asset.

6. Roles and responsibilities

To ensure the smooth implementation of the mandate, the consultant will be in regular contact with Tdh Romania. This will include online meetings, communication via email, and through Skype discussions.

Tdh Romania will provide assistance to the experts in contacting the key informants and provide logistical support as needed.

The consultant must sign the Terre des hommes Foundation’s Global Code of Conduct and Child Safeguarding Policy and be willing to adhere to its principles and expected practices. If a breach of the policy or code of conduct takes place the consultancy will be terminated immediately without any financial burden on Tdh.

7. Specific conditions

Financing:

Financial offer include all costs and fees related to the execution of the tasks. Payments will be made on the basis of a Service Contract with a legal entity, monthly, after signing the act of receiving and handing over of the monthly report.

8. Application process

The application file must include:

- a. CV
- b. A brief description of the legal entity and a list of studies performed;

9. Criteria for evaluation and selection of application dossiers:

- a. Level of expertise of the applicant;
- b. Relevant previous experience;

10. Deadlines:

Interested experts are requested to send their application package by the 28th of March at 09:00 am. Documents can be submitted electronically to the following e-mail address: mihai.enache@tdh.ch.