

TERMS OF REFERENCE

NATIONAL CONSULTANCY TO CONDUCT A NATIONAL REVIEW OF LEGAL AID SYSTEMS GAPS AND PRACTICES

TERMS OF REFERENCE:

Location: Romania – contract with Terre des hommes Romania, the contractor must be able to issue invoices with tax registration

Title: Consultancy to conduct a national review of legal aid systems gaps and practices (CLEAR-Rights Project)

Period of the consultancy: May 2021 – September 2021

Duration of the consultancy: 4 months (23 working days)

Deadline to apply: 30 of April 2021 – *recruitment is ongoing until the position is filled*

Starting date: 1st of May 2021

1. Presentation of Terre des hommes

Terre des hommes (Tdh) is the leading Swiss organisation for children’s aid. Since 1960, Tdh has helped build a better future for vulnerable children and their communities, making an impact with innovative and sustainable solutions. Active in around 40 countries, Tdh works with its own teams and/or local and international partners to develop and implement field projects which significantly improved the daily lives of over four million children and members of their communities in 2019, in the domains of health, protection and emergency relief.

Through our Access to Justice programme, we encourage states in Europe to provide effective access to justice for children in contact with the law. We support the implementation of non-custodial measures for children and of stronger procedural safeguards. With our partners, we promote the use of restorative justice processes in cases involving children, either as victims or suspects/offenders. Through innovative methodologies, we engage with children to ensure that we understand their views. At regional level, we facilitate the sharing of best practices and learning, awareness-raising and advocacy for child-friendly justice. We also support the creation of the Barnahus multi-disciplinary service that provides care for child victims and witnesses of violence and abuse.

2. Background

“CLEAR-Rights: enhancing legal assistance for children in Europe” is a new project funded by the Justice Programme of the European Union. This 24-month project runs from January 2021 until January 2023 and is being coordinated by the Regional Office of Terre des hommes in Europe. It is implemented in partnership with the Alliance of Lawyers for Human Rights, Defence for Children Belgium, Defence for Children the Netherlands, PILnet and Terre des hommes Romania. The project’s main aim is to improve equal access to a lawyer for children suspected or accused of crime, through

strengthening access to quality and specialized government-funded legal aid and pro bono legal assistance, in line with Articles 6 and 18 of Directive 2016/800/EU.

CLEAR-Rights seeks in particular to:

1. Build the capacities and improve knowledge of legal aid and pro bono lawyers to provide child-friendly legal assistance to children in conflict with the law
2. Establish a legal assistance network to match the legal needs of non-governmental organisations and children with legal aid and pro bono lawyers willing to provide legal assistance, as well as share promising practices related to providing legal assistance to children in conflict with the law
3. Increase awareness of policy makers and service providers about legal aid and legal assistance for children in conflict with the law and benefit from a permanent legal assistance system

In the framework of the project, a review of practices, gaps of legal aid systems and accreditation systems for lawyers, as well as a mapping of needs and capacities of lawyers engaged in free of charge legal assistance to children in Europe will be conducted.

3. Objectives of the consultancy

The general objective of the consultancy is to produce a national report to review, map and describe practices and gaps of legal aid systems, map the needs and capacities of legal aid and pro bono lawyers.

Geographical scope of the report: Romania.

The selected consultant will be responsible to draft a national report based on desk research.

This national report will include a synthetic overview of:

- **The main national legal standards on the matter.**
- **The existing national projects, research, training materials and toolkits available for lawyers working with children.**
- **Focus on:**
 - ⇒ **Legal aid system**, including the general functioning of the system, eligibility criteria and presence on the territory, ratio and characteristics of accessibility to children (with particular focus on the profile of children accessing legal aid services), and the role of the lawyer in each phase of the criminal proceeding.
 - ⇒ **Quality standards of access to legal aid for children**, including availability of the lawyer throughout all phases of the criminal proceeding, number of cases dealt by each lawyer per year and the average time allocated for each case, quality and completeness of the information shared with the children, child-friendly communication skills of the lawyers and child-sensitive approach.
 - ⇒ **Capacities of lawyers from legal aid system**, including existing training materials, training needs of lawyers working with children, review of institutions and universities that

conduct training lawyers working with children and, whenever existing, any accreditation criteria for lawyers working children

- ⇒ **Capacities of lawyers providing pro bono legal assistance to children**, including pro bono lawyers' presence on the territory and resources, training needs for pro bono lawyers working with children and integration of the pro bono system with the legal aid system

4. Design and methodology

Location: Romania.

The selected consultant will be part of the Access to Justice team in Romania and will cooperate closely with the CLEAR-Rights Regional Project Coordination team.

The selected consultant is expected to draft a national report based on desk research.

More specifically, the selected consultant will be expected to:

1. Contribute to the finalisation of the methodology (feedback on the inception report and consultation tools) to conduct the national review.
2. Conduct a desk review on the main national legal standards on access to justice and legal aid to children in Romania.
3. Conduct a desk review on the existing national projects, research, training materials and toolkits available for lawyers working with children.
4. Analyse and draft a synthesis of the information collected at national level.
5. Identify key conclusions about the gaps emerged in the systems analysed and recommendations on how this project (and future ones) can fill these gaps.
6. Draft the national review report based on points 1 to 5 of this list.

The national review should be written in UK English and have a maximum of 40 pages – this length might be slightly adjusted if an agreement is reached between the selected consultant and Terre des hommes Romania. This is the suggested structure of the national review:

1. Acknowledgments
2. Executive summary
3. Introduction
 - About the project
 - About this review (scope, objectives)
4. Definition of key concepts
5. Methodology
 - Methods and tools
 - Limitations of the review
6. Main national legal standards about legal aid in Romania
7. Legal aid for children in conflict with the law in Romania: how they work and how accessible they are
8. Quality standards of access to legal aid for children in Romania
9. Capacities of lawyers working with children in Romania
10. Capacities and needs of pro-bono lawyers working with children in Romania

11. Gaps in the system and needs to address (Conclusions and recommendations)

5. Roles and responsibilities

To ensure the smooth implementation of the mandate, the consultant will report to the CLEAR-Rights National Project Manager Enache Mihai. This will include online meetings, communication via email and mobile.

The consultant must sign the Terre des hommes Child Safeguarding Policy and Code of Conduct 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.

6. Activities and Timeline

	Activity	Expected delivery	Level of effort
1.	Meeting with CLEAR-Rights team and national consultants	1 of May 2021 (to be confirmed)	0,5 day
2.	Feedback on methodology of European and national reviews	By 5 of May 2021	1 day
3.	Meeting with CLEAR-Rights Technical Experts Group to discuss the methodology of the review	12 May 2021 (to be confirmed)	0,5 day
4.	Desk review on the main international and legal standards on access to justice and legal aid to children in Europe and on the existing European projects, research, training materials, and toolkits available for lawyers working with children	May-June 2021	5 days
5.	Synthesis of the information collected at the national reviews and national reporting tools	June-July 2021	5 days
6.	1 st draft of national review	28 July 2021	8 days
7.	Incorporation of feedback from CLEAR-Rights team into the national review – final draft of the national review	4 August 2021	3 days

7. Expected deliverables

The selected consultant will be expected to produce the following deliverables:

- 1st draft of the national review on practices and gaps of legal aid system.

- Final draft of the national review on practices and gaps of legal aid system.

Both deliverables should be produced in UK English and submitted to Terre des hommes Romania in Word format.

8. Consultant profile

- Advanced degree in the field of law or criminology, or equivalent with strong research and analysis component.
- Proven experience in conducting international-level needs assessments and reviews to feed into strategic and operational planning, particularly in the field of child justice and children's rights
- Demonstrated ability to synthesise and critically analyse a wide range of material from primary and secondary data sources and to present information in a concise yet thorough form.
- Knowledge of child justice and legal aid projects and networks in the Romania is an asset
- Excellent oral and written skills English.

9. Budget and resources

The consultant is expected to work for 23 working days within the 4 months duration of this consultancy. The payment will be issued in three instalments:

1. 30% upon signature of the contract
2. 40% upon delivery of 1st draft of the national review
3. 30% upon approval of final draft of the national review by Terre des hommes Romania

10. How to apply

The contractor must be able to issue invoices with tax registration. All candidates should please send the following documents to: mihai.enache@tdh.ch by the **30 of April 2021**:

- ⇒ A **Cover Letter**, specifying your experience
- ⇒ **Updated CV** in English,
- ⇒ **A Sample** of similar work
- ⇒ **A financial offer in EURO stating your daily fee**

Please include "CLEAR-Rights, Consultancy European review, your name and surname" in the subject line of the application email.

Child Safeguarding Policy: To commit to respect Tdh Risk Management Policies including: Child Safeguarding Policy, Safety and Security Policy and Anti-Fraud/Corruption Policy, Whistle Blowing Policy.

Gender & Diversity Policy: To commit to respect Tdh Gender & Diversity Policy.

Due to an anticipated high number of applications, Tdh is not in a position to respond to every applicant individually. Please note that only shortlisted candidates will be contacted for an interview.



CLEAR-Rights is co-funded by the Justice Programme of the European Union (2014-2020).