

Khyber Pakhtunkhwa Judicial Academy
Terms of Reference for Consultant

1. Program Information

Program (No. & Name) : YS-104 Child Protection
IR : By 2017, strengthened institutional capacity to implement child protection legislation, policies and standards to protect children and women from abuse exploitation and violence.
Activity (2.6) : Technical assistance towards the institutional strengthening, capacity building, monitoring and improved coordination for institutions responsible for justice for children and social welfare

2. Background & Purpose

Article 40(3) of the UN Convention on the Rights of the Child requires States to promote measures for dealing with children alleged as, accused of, or recognised as having infringed the criminal law without resorting to judicial proceedings, whenever appropriate and desirable. The UN Committee on the Rights of the Child has suggested that children who commit minor offences, such as shoplifting, other property offences with limited damage and first-time child offenders should be dealt with outside judicial proceedings, by a range of community-based family support, diversion schemes and restorative justice programmes. The Committee points out that such approaches avoid stigmatisation, have good outcomes for children and society and are proven to be more cost-effective. Research also indicates that non-judicial programmes to address offending are less likely to result in the child re-offending.

Article 40(1) of the UN Convention is also important as it provides that every child alleged as, accused of or recognised as having infringed the criminal law shall be treated in a manner which takes into account the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

In addition, Article 37(b) of the UN Convention on the Rights of the Child provides that children should only be sentenced to custody, whether in a prison, detention centre or approved school as a last resort and for the shortest possible time. Rule 17 of the Beijing Rules in addition provides that detention 'shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response'. Judges and other law-enforcement officials have a duty derived from these provisions to give careful consideration to alternatives to detention and to avoid depriving children of their liberty unless all other options of prevention and care have been exhausted.

The criminal process, which involves arrest, charge and trial can be damaging for a child. It can stigmatise and label the child. It is also expensive, stressful and is a process which often has little inherent re-integrative value. In order to reduce the negative effects of involvement in the juvenile justice system, the UN Convention on the Rights of the Child obliges States to develop procedures that allow children to be dealt with without resorting to judicial proceedings or a trial ('diversion'), wherever appropriate and desirable, providing that human rights and legal safeguards are fully respected.

In an effort to domesticate Pakistan's international commitments relating to children in conflict with the law, incorporating at the same time relevant constitutional protections, the Juvenile Justice System Ordinance ("JJSO") was promulgated in the year 2000. Section 10(3) of the JJSO, as per Section 496 of the Code of Criminal Procedure, makes provision for the release on bail of any

juvenile, with or without surety, during pre-trial proceedings, unless the officer of the court holds a reasonable concern that the release of the juvenile may compromise his/her safety or welfare. In the absence of specific legislative provision for the establishment and operation of formal diversionary mechanisms in Pakistan, the full implementation of Section 10(3) of the JJSO 2000, as per Section 496 of the Code of Criminal Procedure, is imperative.

Therefore, throughout both the criminal justice and child protection sectors in Khyber Pakhtunkhwa, the proposed assignment aims specifically to raise awareness and strengthen application of Section 10(3) of the JJSO 2000, as per Section 496 of the Code of Criminal Procedure, as well as the entire contents of the JJSO 2000, in order to support the realization of the rights of juveniles in conflict with the law, in accordance with constitutional protections and relevant international human rights standards ratified by Pakistan.

OBJECTIVE & ANTICIPATED OUTCOMES

The key objectives of the assignment are:

1. Within the specific context of the pre-trial detention of juveniles in conflict with the law in Peshawar and SWAT, to conduct a baseline study of the application of Section 10(3) of the JJSO 2000, as per Section 496 of the Code of Criminal Procedure.
2. Based on the findings of the baseline study, to review UNICEF’s juvenile justice training curriculum and tailor same for justice and/or child protection sectors of Peshawar and Swat.
3. To facilitate x3 trainings for justice and/or child protection staff in Peshawar and SWAT.

4. **Duty Station:**

Work to be undertaken in close coordination with Khyber Pakhtunkhwa Judicial Academy (KPJA Peshawar) and UNICEF.

5. **Supervisor(s):**

Director General KPJA and Child Protection Specialist, UNICEF

6. **Major tasks and Responsibilities:**

The Tasks and Major outputs of the assignment are the following:

1	Inception meeting and development of a Detailed Implementation Plan (DIP), in consultation with KPJA and UNICEF Output: Detailed Implementation Plan	1 days
2	In consultation with KPJA, develop tools for a baseline study of the application of Section 10(3) of the JJSO 2000, as per the provisions of Section 496 of the Code of Criminal Procedure in the districts of Swat and Peshawar. Output: Tools Developed for Baseline Study	3 days
3	Baseline study tools and action plan submitted for validation by the Technical Working Group (TWG)	1 day

	Output: Tools and Action Plan Validated by the TWG	
4	Field visits to Swat and Peshawar in order to conduct baseline study. FGDS will also be conducted with juveniles in conflict with the law. Output: Draft Report of the Mapping/Assessment	20 days
5	Validation by the Technical Working Group of the recommendations made on foot of the baseline study Output: Compiled recommendation report	1 day
6	Review and tailoring of juvenile justice curriculum and resource materials Output: First draft of juvenile justice curriculum developed	5 days
7	Endorsement of the draft curriculum and resource materials by the Technical Working Group including an action plan for trainings of participants from Swat and Peshawar Output: Endorsed draft curriculum and resource material by TWG	2 days
8	5 days TOT for 15 selected master trainers on developed curriculum Output: A pool of master trainers trained on juvenile justice	5 days
9	Two trainings (5-days each) in the Judicial Academy for 60 participants from relevant justice sector institutions and/or child protection departments from Swat and Peshawar Output: Trained 60 participants from two districts Swat and Peshawar	12 days
10	Review of the curriculum in light of the findings and recommendations received at both trainings and the endorsement of final product by the Technical Working Group Output: Final draft of the curriculum developed	3 days
11	Measure effectiveness of juvenile justice training. Output: Tools developed and data collected from the field to support the measuring of effectiveness of juvenile justice training	10 days
12	Compilation of summary report on the effectiveness of the juvenile justice curriculum and framing recommendations for its province-wide rollout and institutionalization. Output: Developed summary report of the effectiveness of juvenile justice trainings	5 days
13	Framing juvenile justice messages, particularly with regard to the right to bail, for display in various offices and departments Output: Juvenile justice messages designed	2 days
	TOTAL DAYS	70 days
7. Deliverables/End Products:		
No	Deliverable	Date
1	Detailed Implementation Plan	March 2015
2	Baseline study report	April 2015
3	Review of juvenile justice curriculum	May 2015
4	Trainings on juvenile justice	June 2015
5	Summary report of training effectiveness and recommendations for modifications	Sep 2015
6	Final draft of the revised curriculum	Nov 2015

8. Time-Frame:

The total duration of the project is 9 month started from 1 March until 30th Nov 2015

9. Estimated Cost/ Schedule of Payment:

Consultancy cost (inclusive of fee, travel and related costs): Rs. XXXXXXXXXX

1. April 2015 – 20% on submission of deliverables 1 and 2;
2. May 2015 – 30% on submission of deliverable 3;
3. June 2015 – 20% on submission of deliverables 4;
4. Sep 2015 – 20% on submission of deliverable 5;
5. Nov 2015 – 10% on submission of deliverable 6;

10. Qualifications or specialized knowledge/experience required:

The following attributes are required for the selection of the applicant:

- a) Postgraduate qualification in law, preferably within the field of human rights/criminal justice, with a minimum of five years' work experience in justice for children.
- b) Proven experience in undertaking extensive researches, studies and assessments in relevant areas of this assignment, especially justice for children.
- c) Proven competence and experience in developing training manuals and facilitating justice sector trainings, especially juvenile justice.
- d) Proven experience of working with the Government, especially in the capacity of providing highly technical assistance in the areas of justice.
- e) High proficiency in English, Urdu and Pashto.
- f) Excellent report-writing skills.

11. Drafted by:

Khurshid Iqbal

Signature /Date

12. Technical Review by:

Hussain Ali Sina
UNICEF

Signature /Date

13. Recommended by:

Hayat Ali Shah
DG KPJA

Signature and date

14. Reviewed by:

Signature and Date

