



**Terre des hommes**

Helping children worldwide.

## TERMS OF REFERENCE

**Consultancies to conduct a research on challenges and needs of children & youth in detention facilities in Romania, as well as an assessment of national current situation and international practices in the field**

### PRECISION PROJECT

**”Promote Rehabilitation, Empowerment of Children and Support for Youth Offenders”**

***Selection of a short-term national expert*** conducting a qualitative research in 3 detention facilities for youth, focusing on: 1) *Challenges and needs of children and youth in detention facilities in Romania*, 2) *Training needs assessment for detention staff*. **(Package A)**

***Selection of a short-term expert*** for conducting an assessment of the national current situation in the field of *Juvenile Justice and international practices that have proved to be effective in the rehabilitation of youth offenders, focusing on promoting their wellbeing and reducing recidivism*. **(Package B)**



## 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 level<sup>1</sup>. 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

**PRECISION** („Promote Rehabilitation, Empowerment of Children and Support for Youth Offenders” financed by MEDICOR Foundation) is a project that seeks to promote wellbeing and reduce reidivism of juvenile offenders in Romania. The objective of the project is that: *by the end of 2020, about 500 children and youth in 3 juvenile detention facilities benefit of high quality personalized services that meet their rehabilitative needs*. During their detention, children and youth will have developed the necessary knowledge and skills (literacy, vocational skills, life-skills, self-esteem, motivation, social skills etc.) for their successful rehabilitation in society. The project will apply a two-fold approach: 1) case management<sup>2</sup> and 2) education and vocational training within the Detention Center in Craiova, that serves as a pilot facility for the model.

#### The project aims to:

- To develop a knowledge base and tools that will serve for informed decisions for politicians and practitioners and promote better understanding of child and youth challenges in the justice system and upon exit.
- To develop a model that is based on individual case management and consists of a package of services meeting the rehabilitative needs of juvenile offenders.
- Alongside, to strengthen the capacities of professionals working with children and youth in detention facilities.
- To raise awareness and advocate on the specific needs of children and youth in detention and the importance of (pre-release) programs that target individual factors and aim at increasing self-esteem, improving mental wellbeing and changing behavior.

Based on the **research findings in both packages (Package A and Package B)**, Terre des hommes’ specialists will develop an innovative model for support/learning in detention facilities for youth offenders. Tdh will also aim at improving/ adapting the practices of detention staff in order to grant a better protection for juvenile offenders and better meet their rehabilitative needs. The project should be seen as an initial step in a longer term intervention.

The model will be based on Terre des hommes’ conception of the child in conflict with the law as an active and positive contribution to society rather than being considered as a risk. As a consequence, all children in conflict with the law should be supported in their development of skills and competences.

### 4. Design and methodology

#### Qualitative research in 3 detention facilities for youth - Package A.

The research focuses on two main topics:

- challenges and needs of children and youth in detention facilities in Romania.
- training needs assessment of detention staff.

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

<sup>2</sup> Social and (mental) health services, such as counseling, family and peer interventions and recreational activities.



The research will be conducted in partnership with three **detention facilities in Romania** for children and youth offenders: Craiova, Tichilești and Târgu Ocna. It will use a participatory approach based on data collected through qualitative interviews and focus groups with:

- children and youth in the detention facilities;
- ex-detainees;
- staff and specialists from detention centers;
- policy makers and head of programmatic departments from national level;
- juvenile justice experts;

*The research design should allow the gathering of relevant information on the following topics:*

- key challenges of children and youth in detention facilities in Romania;
- application and effectiveness of the individual assessments;
- educational / skills profile of the juvenile prison population;
- capacity of the detention facilities and its staff to work with youth offenders;
- level and quality of services available to youth offenders and the challenges encountered in delivery;
- the needs for training of detention staff in Romania;
- child-friendliness of current legal system and synergy with child protection system;
- level of involvement of family / peers and the connection to the community in the counselling and case management process;
- availability or lack of materials for recreational and educational purposes;
- quality of social reintegration services provided;
- identification of the needs of juvenile offenders in terms of social services, knowledge & skills for their rehabilitation.

#### **Review of national current situation in the field of Juvenile Justice and international practices - Package B.**

The assessment should review **national and international practices** that have proved to be effective in the rehabilitation of youth offenders, promoting their wellbeing and reducing recidivism. This assessment will involve desk research (academic literature, reports etc.) and gathering more thorough information by interviewing and discussing (offline and online) with: detention authorities, juvenile justice experts, Tdh staff in Romania and other EU and non-EU countries.

*The review should focus on the following topics:*

- Assessment of Access to Justice (A2J) regulatory frameworks, processes and practices, including:
  - current reforms, national action plans and strategies on A2J;
  - the capacity of key actors and potential partners;
  - description of main issues in A2J in Romania;
- Mapping of current models of national and international practices in A2J for children and youth in detention facilities;
- Identifying good practices (national and international) of rehabilitation programs in juvenile detention/ educational facilities;
- Identification of rehabilitation approaches utilised in Romania and, if not, what are the barriers to their usage; provisions in the law that can be used to introduce rehabilitation approaches;
- Identify priorities areas for Tdh intervention in Romania related to A2J for children and youth;

**Applicants can submit their proposals for either one or both of the research packages. For both Package A and Package B individual researchers or research teams can apply. The selected experts for Package A and Package B, will closely work together during implementation of the research.**

## **5. Summary of activities / tasks**

### **Package A:**

- Develop an evaluation methodology and timeline/ work plan;
- Elaborate the schedule of the field research;
- Coordinating with Tdh and detention facilities staff for planning the data collection activities;
- Collect data from the field visit / online interviews with the proposed key persons;



- Periodic debriefings of the findings with Tdh staff, but also representative of penitentiary administration and key external partners (based on the draft reports);
- Write a detailed research report reflecting the opinions of all the relevant stakeholders. The report should be approximately 30 pages long (without annexes), and should be written in Romanian and English language.

#### **Package B:**

- Develop an evaluation methodology and timeline/ work plan;
- Elaborate the schedule of the interviews;
- Conduct an extensive literature review on national and international practices that have proved to be effective in the rehabilitation of youth offenders, promoting their wellbeing and reducing recidivism;
- Coordinating with Tdh and authorities/experts for planning the key informant interviews;
- Collect data through online interviews with the proposed key persons;
- Periodic debriefings of the findings with Tdh staff (based on the draft reports);
- Write a detailed research report reflecting the findings of the literature review and the opinions of all the relevant stakeholders. The report should be approximately 40 pages long, (without annexes) in English.

#### **Ethical principles**

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

- 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.

#### **6. 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;
- Previous experience in conducting in-depth qualitative research, working in the design, implementation or management of juvenile justice operations with governmental or non-governmental organisations;
- Excellent research writing and communication skills;
- 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;
- 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.

#### **7. Roles and responsibilities**

To ensure the smooth implementation of the mandate, the consultant will be in regular contact with Tdh Romania. This will include face-to-face 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.



## 8. Deliverables

For both Package A and Package B, the experts are expected to deliver:

1. An **evaluation methodology**, including a detailed plan for the elaboration of the report and all documents to be used and analysed when writing the report.
2. A first draft report (date to be agreed);
3. A second draft report (date to be agreed);
4. A final report, which incorporates the feedback provided by Tdh staff. The deadline for submitting the final report for **Package A is 30<sup>th</sup> of June**. The deadline for submitting the final report for **Package B is 31<sup>st</sup> of May**.

## 9. Specific conditions

### Financing:

For each of the packages, the financial offer must include all costs and fees related to the execution of the tasks. Costs must be shown in EURO without VAT (if applicable). Payments will be made on the basis of a Service Contract with a legal entity, after signing the act of receiving and handing over the final version of the report.

### Ownership / use of results:

The ownership of the results / deliverables obtained in the framework of the study/context analysis, including the intellectual property right, belongs to the Terre des hommes Foundation as the beneficiary of the research.

### Clauses on failure to perform tasks:

In the event of failure to perform the duties of the expert under this Terms of Reference document, as well as the non-fulfillment of any commitments assumed under the contract concluded with it, Terre des hommes is entitled to terminate the contract and claim damages. The researchers will not be held liable for breach of obligations if prevented by force majeure. The experts will make every effort to reduce any damage caused by force majeure.

## 10. Application process

The application file must include:

- a. Short Letter of Intent (max. 1 page)
- b. Short description of a methodological approach/plan (max. 5 pages);
- c. Financial offer.
- d. CV in English;
- e. A list of research papers / articles published indicating the web pages where these papers can be accessed;
- f. A brief description of the legal entity and a list of studies performed;
- g. Contact details (name, position, telephone and e-mail) of two persons who can provide recommendations on the applicant's expertise;

## 11. Criteria for evaluation and selection of application dossiers:

- a. Level of expertise of the applicant;
- b. Relevant previous experience;
- c. The proposed methodological approach;
- d. Financial offer.

## 12. Deadlines:

Interested experts are requested to send their application package by the 18<sup>th</sup> of March at 09:00 AM. Documents can be submitted electronically to the following e-mail address: [mihai.enache@tdh.ch](mailto:mihai.enache@tdh.ch) or sent by post to the following address: Terre des hommes Foundation, Franzelarilor Street, Nr. 6, sector 2, Bucharest, 020786, Tel / Fax: +40 021 212 38 32.