TERMS OF REFERENCE FOR EXTERNAL EVALUATION

PROJECT: CLEAR-Rights

- ENHANCING LEGAL ASSISTANCE FOR CHILDREN IN EUROPE –

Terre des hommes is seeking a qualified evaluator or evaluator team to conduct a final project evaluation on the CLEAR-Rights project (2021-2022).

1. Presentation of Terre des hommes

Terre des hommes (Tdh) is the **leading Swiss organization for children's aid**. Through our health, protection and emergency relief programmes, we provide assistance to over four million deprived children and their families in more than 40 countries each year through innovative and sustainable solutions.

In **Europe**, Tdh helps children who are affected by migration, who come in contact with the law as a victim, witness or offender, and who need general protection including from the risk of abuse, trafficking or exploitation. In 2021, more than 68,820 children and their communities benefitted from Tdh`s support through 81 projects implemented in Europe. Tdh concentrates its work in Albania, Kosovo, Moldova, Romania, Ukraine, Hungary, and Greece, while together with local partners, it also reaches children in 14 other European countries.

Tdh's Access to Justice programme in Europe focuses on the following key areas:
- encouraging states to provide effective access to justice for children in contact with the law;
- supporting the implementation of non-custodial measures for children and of stronger procedural safeguards;
- promoting the use of restorative justice processes in cases involving children, either as victims or suspects/offenders;
- engaging with children using participatory methods to ensure that we understand their views and priorities;
- sharing of best practices and learning, awareness-raising and advocacy for child-friendly justice;
- supporting the creation of the Barnahus multi-disciplinary service that provides care for child victims and witnesses of violence and abuse.

For more background about Tdh globally and in Europe, visit our global website and our European website.

2. Context and the project

Tdh's **CLEAR-Rights project** promotes **access to justice and child-friendly legal assistance to children suspected or accused of crimes** and **strengthens the capacities of justice professionals in Europe**. The project is funded **by the DG Justice of the European Commission** and is implemented in **Belgium, France, Hungary, the Netherlands, and Romania**. The project is **led by Tdh Hungary** (as main applicant) and **implemented in partnership with the Alliance of Lawyers for Human Rights**

(France), Defence for Children International Belgium, Defence for Children the Netherlands, PILnet (Hungary) and Terre des hommes Romania. The total project budget is EUR769,337.81.

Project timeframe: 1 January 2021 - 31 December 2022

The **main objective of the CLEAR-Rights project** 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.

The **main project activities** include:
- Review of practices and gaps of legal aid systems in Europe.
- Development of guidelines and quality standards for child-friendly legal assistance.
- Adaptation of guidelines into a set of accreditation criteria for quality legal assistance to children.
- Development of a database of jurisprudence and legal factsheets on legal questions that are relevant in the context of child justice.
- Training of lawyers in Belgium, France, Hungary, and Romania, and dissemination of training materials to a broader audience.
- Development of a digital legal assistance assessment tool co-designed with children, to be used by children in conflict with the law receiving legal assistance.
- Setup of a European clearinghouse for child justice.
- Regional and national advocacy events, including child-led advocacy events.

The **expected results** of the project are:
1. Increased capacity of legal aid and pro bono lawyers to provide quality legal assistance to children suspected or accused of crime
2. Improved cooperation of non-governmental organisations and professional organisations in the field of procedural rights of children suspected or accused of crime
3. Increased awareness of policymakers and service providers on the right of children suspected or accused of crime to access quality legal assistance and benefit from a permanent legal assistance system

The **intended beneficiaries of the project** are:
- 150 children suspected & accused of crime
- 615 legal practitioners
- 5 National Bar associations & professional associations of lawyers
- 150 students from legal clinics
- 50 policymakers
- 81 civil society organizations

Monitoring: The project's Monitoring and Evaluation plan includes output- and outcome-level indicators tracked at regular intervals and/or at the end of the project (as relevant). For training activities, post questionnaires are conducted to assess training outcomes and changes in level of capacities as well as gather participant feedback. As part of the review of practices and gaps in legal aid systems in Europe, 5 national pieces of research were conducted and lawyers were consulted to help identify gaps and promising practices in the implementing countries. This helped the project consortium to properly tailor advocacy messages and training activities. **It is foreseen that this evaluation will help further inform progress towards the project's four outcome-level indicators**

(see section 6) to complement analysis about the change(s) brought about for professionals and children through the project.

3.   Objective of the evaluation

The final evaluation is a mandatory deliverable for the donor European Commission. In addition, as per Tdh's Minimum Requirements for M&E, every project that is multi-country and multi-year must undergo a final external evaluation to ensure a robust and neutral external assessment and judgement on project performance.

The objectives of the evaluation are three-fold:

- **Accountability and credibility:** to the donor, to the project team and the corresponding organizations, and ultimately to the beneficiaries (professionals and children). It will also ensure transparency and openness about the performance and quality of the project.
- **Organizational learning and knowledge:** to conclude all important lessons learnt from the way the project was set up, implemented and managed; and how it has succeeded or, potentially, not succeeded to achieve all its intended (or unintended) results.
- **Informing operational decisions:** Resulting from the lessons learnt, the evaluation will help to reveal what the project team and the corresponding organizations can take further and/or may need to change in future programming.

4.   Scope of the evaluation

The final (external) evaluation will **cover the entire CLEAR-Rights project**, including all partner organizations. Geographically, it will cover the **five implementation countries: Belgium, France, Hungary, the Netherlands, and Romania.**

The evaluation will be **conducted during the final three (3) months of the project**, thus it will focus on the project activities carried out and results achieved up to the time of the start of data collection.

Limitations:
- As the timeframe for the conduct of the evaluation is quite tight, and project partners are still focusing on the final project activities, their involvement in data collection (for consultation) must be **well planned to avoid conflicting schedules**.
- No travel is foreseen as part of this evaluation assignment. All data collection will need to be conducted online, which of course may impact the **dynamics of the discussions and the availability of certain counterparts**, more specifically child/youth members of the Child Advisory Boards. This must be taken into consideration during the planning of the methodology (and later during the conduct of data collection).

5.   Intended users of the evaluation

The results of the final evaluation will be used by the:

- **CLEAR-Rights project team:** to reflect on and learn from how the project has performed and how it can inform the follow on future initiatives.
- The **broader Access to Justice programme team within Tdh:** to learn from the findings, build institutional knowledge, and assess how findings can generally inform future programming in this field.
- **Senior management of all implementing organizations as well as Tdh HQ**: to assess how project learning can inform future programmatic portfolio decisions and strategy-making, and what effective and corrective actions might need to be taken going forward in similar or continuation projects.
- **the donor EC DG Justice**: to assess how its support and funds have contributed to delivering project objectives and positive changes for child victims of crimes.

6.   Evaluation criteria and questions

The evaluation should respond to the following questions (combining selected OECD DAC and Core Humanitarian Standard (CHS) evaluation criteria):

Effectiveness:

1. Has the project developed capacities of legal practitioners in providing quality legal assistance? If yes, how and to what extent?

   (Note: findings here will <u>need to directly feed into analysing progress towards the project's overall outcome indicator, complementing monitoring data</u>: *% of target legal practitioners who demonstrate required capacity in providing quality legal assistance (disaggregated by gender & age & country & disability)*

2. Has the project improved level of cooperation among non-governmental and professional organizations in ensuring access to quality legal assistance? If yes, how and to what extent?

   (Note: findings here will <u>need to directly feed into analysing progress towards the project's overall outcome indicator, complementing monitoring data</u>: *% of project stakeholders who report "improved level of cooperation" (disaggregated by gender & age & country & disability)*

3. Has the project increased awareness among policy-makers and service providers on the right of children suspected or accused of crime to quality legal assistance? If yes, how and to what extent?

   (Note: findings here will <u>need to directly feed into analysing progress towards the project's overall outcome indicator, complementing monitoring data</u>: *% of policy makers and service providers who demonstrate increased awareness on the right of children suspected or accused of crime to quality legal assistance (disaggregated by gender & age & country & disability)*

Diversity and inclusion:

4. Were/are project activities (national research, trainings, Child Advisory Board sessions, overall project management) and project outputs (guidelines, quality standards, curricula etc.) sensitive to diversity and inclusion aspects (age, gender, diversity-sensitivity)? In particular the digital legal assessment tool and its design process.

Child empowerment:

5. Has the project enabled Child Advisory Board members involved in the project to be more active in creating positive changes through their participation in the project activities? If yes, how and to what extent?

   (Note: findings here will need to directly feed into analysing progress towards the project's overall outcome indicator, complementing monitoring data: *% of children and youth involved who report that their participation has enabled them to be more active in creating positive changes (disaggregated by gender & age & country & disability)*

6. Has the digital legal assessment tool had any contribution in empowering children involved in the design process in expressing their views, influencing change, and seeking assistance?

Child participation/Child Advisory Boards (CABs):

7. How effective were the child participation component and the work with the Child Advisory Boards throughout the project? Are there any lessons learnt in terms of effectiveness?

Sustainability/replicability:

8. How sustainable are the project results for both professionals and children who were involved?

9. In particular, how sustainable is the digital legal assessment tool, and the continued use of it beyond the project's lifetime and without dedicated promotion efforts available around the tool?

Partnership and project management:

10. How effective was the project's way of working including the coordination mechanism, management structure and cooperation between partners?

11. Methodology

Interested applicants are invited to **propose their methodology for the conduct of the evaluation**. Ideally, **a mixed-method approach** will be followed balancing suitable quantitative and qualitative methods to draw on different sources and triangulate information. Existing M&E data and collected quantitative and qualitative information (via the comparative research at project start, post-event/post-training questionnaires, CAB meeting and discussion notes, project meeting reports) will also be available for the evaluator.

The CLEAR-Rights project team members should be closely involved in the data collection (for consultation). They typically include one regional or local coordinator per organization. Tdh and partners will be able to facilitate contact with the professionals and CAB members who will also be involved for data collection (most of them have a basic level of English – whenever they don't have, local coordinators will support data collection).

Generally, a participatory approach should be followed throughout the evaluation. ***Due to the limitations described above, any methodology proposed should be feasible in an online format.***

The evaluation methodology should keep in mind the following **underlying principles:**

- **equality and non-discrimination** of any individual involved in the data collection and consultation process;
- **participation and inclusion of different diversity groups** to the extent possible, while ensuring that participation and inclusion does not cause any harm or distress to the individual;
- **transparency and accountability** throughout the evaluation process towards all organizations and individuals involved;
- **empowerment of marginalised children** whenever children are involved at any point of the process e.g. communication of evaluation findings;
- **confidentiality** must be preserved and names and personally identifiable information should not be collected or, if they are necessary, they should be duly coded and encrypted;
- **informed consent and assent:** should be sought from all participants, including providing them with information on the objective of the evaluation and how data will be used as well as ensuring the opportunity to ask and confirm questions before agreeing to participate;
- **child safety:** whenever children are involved, the evaluator(s) and anyone affiliated with the evaluation (assistants, translators) must sign the Tdh Child Safeguarding Policy and Code of Conduct and adhere to its principles.

12. Deliverables

The evaluator will be required to submit the following deliverables (all in electronic version):

- **Inception report** – in English that includes the following: results of the initial desk review, the proposed methodology and data collection tools, an evaluation/analysis plan (in Tdh's template to be shared after contracting), and overall work plan for the assignment.
- **Draft final report** – in English, with the preliminary results of the analysis for the project team's review and feedback. Tdh will share its template after contracting. The final report shall include an executive summary, narrative report, summary table with main conclusions and recommendations and lessons learned. The report shall also contain all usual annexes such as terms of reference of the evaluation, data collection tools, consent forms and protocols, tables, graphics, list of desk review references, survey data, interview, focus group etc. transcripts, and a PPT presentation of the findings (see below).
- **Presentation of the draft report and preliminary findings –** in English in a dedicated meeting, attended by the evaluator and the project team.
- **Final report –** in English, with full and final analysis results and incorporation of the feedback received on the draft report. The final report will be prepared in Tdh's template (to be shared after contracting).

The evaluator is also expected to be available for regular and brief check-in calls, as necessary, throughout the assignment to share updates on the progress.

13. Chronogram

The foreseen timeframe and number of working days for the assignment are indicated in the table. The final schedule and number of days will be mutually agreed between Tdh and the selected evaluator, also taking into consideration the proposal in the Technical Offer:

Steps/phases & deliverables	Timeframe/deadline (tentative)

Starting date of contract/assignment	**12 Oct 2022 (tentative)**
Desk review of available documents	**5 - 7 days**
Development of data collection methods and tools	
Inception report	
Data collection phase	**8 - 10 days**
Data analysis and drafting of the final report	**5 days**
Presentation of the draft report and preliminary findings	**1 day**
Finalization of the final report	**3 days**
Closing date of contract, final administration and payment (upon approval of the report by Tdh)	**By 15 Jan 2023**

14. Roles and responsibilities

Tdh will designate an **Evaluation Manager** (the regional project coordinator) who will be the main focal point vis-à-vis the evaluator. The **key roles and responsibilities of the Tdh Evaluation Manager** will include:

- Managing the administrative tasks of the process (from advertising to contract closure) and internal liaison within the project team.
- Sharing all key project documents for the desk review and facilitating access (together with local coordinators) to key individuals (professionals and CAB members) selected for data collection.
- Consolidating and sharing team feedback on the deliverables (reports). Communication will mainly take place via e-mail, and online chat and conferencing platforms (MsTeams, Zoom etc.). Face-to-face meetings are only expected to happen in case the evaluator is based in any of the implementation countries, but even in that case they would be kept at the minimum given the risk of new pandemic waves and to also save time and costs.
- Acting as a focal point for the evaluator in case of any queries and sharing updates if any. Communication will generally take place in English (no separate translation services will be provided by Tdh and the broader project team).

From the side of Tdh, the evaluation process will also be overseen by a **Steering Committee** (as per Tdh's Minimum Requirements for Monitoring and Evaluation), composed of the Tdh Evaluation Manager, the Tdh Regional Q&A Advisor, the Tdh Romania Q&A Coordinator, and the Tdh Regional A2J Technical Advisor. Committee meetings will be held internally as per need, where committee members will follow the progress of the assignment. They will also provide review, feedback and approval of the deliverables (all reports).

Roles and responsibilities of the evaluator:

- To deliver the assignment as per the signed contract, Terms of Reference and the Technical and Financial Offer and relevant annexes, including Tdh policies where applicable (e.g. those related to Data Protection and Child Safeguarding). To submit all required deliverables as per the agreed deadlines.
- To ensure that all the underlying principles (described in the methodology section) are respected throughout the evaluation.
- To ensure that the Evaluation Manager is regularly informed in case of any questions and issues (particularly, delays and blockages) that may emerge during the assignment and may require mutual discussion/planning.
- To be available for quick updates, whenever requested, on the progress of the assignment.

- To generally ensure the confidentiality of the process as well as the information and documents received from the Evaluation Manager and the people involved at any stage in the evaluation.
- To immediately inform the Evaluation Manager in case of any risk of not being able to comply with any of the above points.

15. Profile of the evaluator (or evaluator team): qualifications and experience

Tdh will accept **applications from both individuals, teams, academic entities, NGOs and companies as long as they are officially registered with a European tax number (i.e. are able to issue an invoice) and have evaluation, research, impact study or similar and/or consultancy as their object of activity, which can be proven by legal documentation**. In case the evaluation is conducted by a team, the team should ideally be diverse and gender-balanced.

Required experience and skills:
- At least 3 quality evaluations/impact studies prepared for 3 different projects. Examples can be annexed unless confidential. Previous experience in conducting evaluations of projects in the area of access to justice, juvenile justice and/or restorative justice is a significant asset.
- Proven skills in using quantitative and quality data collection and analysis methods.
- Strong understanding of diversity and inclusion incl. age, gender and diversity sensitivity aspects.
- Strong writing skills and ability to convey technical and complex information in a structured, logical, clear and concise manner for different audiences.
- Full written and oral proficiency in English for data collection and production of quality reports. Knowledge of the local language in the implementing countries is an asset, but not strictly required.
- Strong computer proficiency to prepare quality written reports with clean data visualization and presentation of findings.
- Experience in the countries of implementation (i.e. Belgium, France, Hungary, the Netherlands, Romania) is an asset.
- Master's degree (or higher) in social sciences, economics, public policy, law, research and evaluation, management or other related field(s) from an accredited university.
- Capacity to issue invoices with tax registration in Europe (UK and Switzerland included).

The evaluator(s) must not have been involved in the design, implementation or monitoring of the CLEAR-Rights project at any stage.

16. Budget

The proposed budget for the evaluation will be provided by the consultant in the Financial Offer. Upon the review of the Financial and Technical Offers, Tdh may choose to negotiate the final price with the preferred evaluator in light of the Financial Offer and Tdh's available budget. It is expected that the total proposed budget will not exceed EUR 9,000 (incl. VAT – 27% in Hungary – and any other applicable taxes). Tdh may also go with an offer different from this (incl. much lower) depending on the combination of the quality and competitiveness of the Technical and Financial offers.

As noted earlier, for this assignment, Tdh will not require any travel and field data collection. Therefore, it will not cover any travel and logistical costs.

17. Application procedures

Questions relating to the assignment, the project or the application process can be submitted to the Evaluation Manager, **Marcos de Barros at marcos.debarros@tdh.ch**. Answers that may concern all applicants will be shared with everyone as deemed necessary.

Interested applicants shall submit their **application via e-mail to the following e-mail address: marcos.debarros@tdh.ch**. The e-mail should have the **subject-line**: CLEAR-Rights final evaluation. **The underline deadline for submission is: 5 October 2021 (23:59 CEST).**

The **application package** shall include:
- **Technical Offer** – max. 10 pages;
- **Financial Offer** – with a detailed line item budget, indicating costs in EUR. The indicated prices should be net amounts, VAT is payable by Tdh.
- Up-to-date CV of the evaluator(s) – max. 3 pages/CV;
- Example of previous work carried out (if any, unless confidential or if it can be anonymized);
- Contacts of 3 professional references;
- Confirmation of legal registration (e.g. tax number, EU VAT number) of the applicant for providing evaluation services and the ability to issue an invoice.
- Declaration of impartiality (in the applicant's format).

Applications – incl. all annexes – must be **in English**. Other languages will not be accepted.

Applications must be submitted **as a single application package**. Documents sent separately will not be accepted. Tdh will confirm the receipt of each application within 2 working days.

The Technical and Financial Offer must be signed on the first and last page and stamped (if an official stamp is available). Both offers shall contain the name and contacts of the evaluator (or the representative if it is a team, company or similar).

Applications will be assessed based on the following criteria:

Assessment criteria	Max. points
Technical Offer – based on: 1) the understanding of the nature and objectives of the assignment; 2) understanding of the ToR; 3) data collection methodology proposed; 4) specific schedule, plan and approach proposed for the data collection.	**40 points**
Financial Offer – based on: 1) price-value ratio and demonstration of maximum value for money; 2) completeness of information; 3) consistency with the technical offer and approach.	**40 points**
Profile and experience of the applicant – based on: 1) submitted CV(s); 2) submitted previous work.	**20 points**
TOTAL	**100 points**

The applications will be evaluated by an Evaluation Committee consisting of the Tdh Evaluation Manager, the Tdh Regional Quality and Accountability Advisor and the Tdh Romania Quality and Accountability Coordinator. The application scoring the highest will be selected for contracting. Prior

to contracting, Tdh may conduct a short interview or coordination call with the pre-selected applicant to clarify certain details, experience, motivation or the budget.

All applicants will be informed of the outcome of the selection process by e-mail after the contract is concluded with the selected applicant.

18.   Reference documents and annexes

The selected evaluator will be provided with the following documents upon contract start:
- original project proposal and main annexes
- project reports submitted to the donor
- project follow-up tool (project management Excel tool used for progress tracking)
- national baseline research (comparative review) reports
- post test results and analysis (whenever already available at the time of data collection as part of the evaluation given project activities are yet ongoing)
- minutes of project coordination calls
- events' reports when available
- CAB meeting reports