

## TERMS OF REFERENCE

### CONSULTANCY TO CONDUCT A RAPID NEEDS ASSESSMENT ON RESTORATIVE JUSTICE WITH CHILDREN IN CONTACT WITH THE LAW

TERM OF REFERENCE:
<p><b>Location:</b> Romania</p> <p><b>Title:</b> i-RESTORE 2.0 – Curriculum developer/trainer for face-to-face courses on Restorative Justice with Children in Contact with the Law</p> <p><b>Period of the consultancy:</b> 01 May – 10 December 2023</p> <p><b>Duration of the consultancy:</b> 18 working days</p>

#### 1. Presentation of Terre des hommes

Terre des hommes (Tdh), founded in 1960, is an independent, neutral and impartial Swiss organisation committed to bringing meaningful and lasting change to the lives of children and youth, especially to those most **exposed to risks**. We strive to improve their well-being and ensure the effective application of their rights as defined by the Convention on the Rights of the Child and other relevant human rights instruments.

Since **1996**, Tdh has been working on juvenile justice in numerous countries across the globe. In **2020, 93,400 children**, young people and members of their communities were supported in access to justice.

Built on **26 years** of experience and capitalization of best practices, Tdh's actions are based on a **child-friendly approach to justice**, which means that justice is adapted to children, to their maturity and level of development, and on a **restorative approach**, which seeks to repair the damage caused to the individuals, the affected parties and the wider society, and which requires active participation of the child offender, the victim and other involved members to resolve the conflict.

Our work in the field of **Access to Justice**:

- **Promotion of non-custodial measures** - Custody may only be used as a last resort, as it jeopardises the development and reintegration of children. Tdh works in collaboration with professionals in criminal justice, especially with the police, prosecutors and judges to make sure that the necessary legislation is implemented and to improve the application of non-judicial procedures and alternatives to imprisonment. In this way children and adolescents in conflict with the law, who have often committed only minor offences, can benefit from a justice that is adapted to them. They have access to non-custodial measures, procedures for the non-violent resolution of conflicts and to reintegration.
- **Improvement of custody conditions** - The rights of children in conflict with the law are often unrecognised. We work together with the staff of the detention centres and

with training institutions for justice professionals to alleviate the negative impact of deprivation of liberty on children and young people. Our goal is to reduce violence and to lower recidivism, but also to ensure that young people in custody are treated with dignity and prepared for their reintegration.

- **Improving prevention and reintegration services** - We work with families, organisations and community leaders to create a caring and supportive environment in the community. This should enable mitigating the violence against or by the young people and to reintegrating them in society.
- **Supporting collaboration in the context of legal pluralism** - Our teams promote coordination between the people concerned in formal justice, both lay and religious, and the people concerned in traditional justice. Our aim is to encourage the recognition of positive practices of **restorative justice** and a decision-making that defends the best interests of the child, in particular in communities where systems of traditional justice are the most effective.

Tdh's work in Access to Justice contributes directly to Sustainable Development Goal N°16, namely 16.2 reducing violence against children and 16.3 reinforcing access to justice. It also endeavors to protect the rights of children in conflict with the law (articles 37 and 40 of the Convention on the Rights of the Child) and of children victims (article 19), as well as the involvement of the family and the community in the development of children (article 5), and the protection of the rights to non- discrimination (article 2), to have their best interest taken into consideration (article 3), to life survival and development (article 2), right to participation in all matters affecting them (article 12).

## 2. Background

According to Thematic Area 4 on Child-Friendly Justice of the European Union (EU) Strategy on the Rights of the Child (2020-24)<sup>1</sup>, the European Commission (EC) recommends to Member States to “develop robust alternatives to judicial action: from alternatives to detention, to the use of restorative justice and mediation” and “contribute to training of justice professionals on the rights of the child and child friendly justice”<sup>2</sup>. Similarly, the recommendations formulated by the **2020 EC Forum on the Rights of the Child** specifically refer to “[bringing in] community-based, peer-to-peer models for diversion and alternatives to detention and restorative justice models”<sup>3</sup>.

i-RESTORE 2.0 builds on the lessons learnt from “i-RESTORE - Protecting Child Victims through Restorative Justice” (EC project 847345, Sept 2018- Nov 2021).<sup>4</sup> What clearly emerged from the work conducted with children, practitioners and policy makers in the past two years in Romania, Greece and Albania is that merely developing models of restorative justice would have no impact on children if this did not go along with ensuring that these models were effectively *accessible for them, girls and boys alike*. According to the Council of Europe (CoE) Recommendation CM/Rec(2018)<sup>5</sup> concerning restorative justice in criminal matters, adopted on 3 October 2018, “restorative justice should be a generally available service. The type, seriousness or geographical location of the offence should not, in themselves, and in the absence of other considerations, preclude restorative justice from being offered to victims and offenders”. To advocate for this, consortium partners European Forum on Restorative Justice (EFRJ) and Terre des hommes (Tdh) published in November 2020 a joint position paper<sup>7</sup> to

<sup>1</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice_en)

<sup>2</sup> EU strategy on the rights of the child COM/2021/142 final, available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>, accessed on 4 August 2021.

<sup>3</sup> Report on the 13th European Forum on the rights of the child, available at

[https://ec.europa.eu/info/sites/default/files/scic\\_child\\_forum\\_2020\\_conference\\_report\\_v7.pdf](https://ec.europa.eu/info/sites/default/files/scic_child_forum_2020_conference_report_v7.pdf), accessed on 4 August 2021.

<sup>4</sup> <https://tdh-europe.org/our-work/i-restore-protecting-child-victims-through-restorative-justice/7143>

<sup>5</sup> Rule 18, Recommendation CM/Rec(2018) [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016808e35f3](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3)

influence the EU Strategy on the Rights of the Child, in which they particularly recommended to: “Ensure the **accessibility and availability of restorative justice programmes at all stages** of criminal justice proceedings including diversion and after care” and “**Raise awareness among child justice actors and community members** on the benefits of restorative justice for children.”

[i-RESTORE 2.0 project](#) (2022-2024) builds on the [i-RESTORE project](#) (2019-2021), which focused on promoting the use of restorative justice in cases involving child victims of crime and strengthening the capacities of justice professionals. As a result of this project, i-RESTORE 2.0 was drafted to go a step further and create accessible quality restorative justice processes for children in contact with the law.

i-RESTORE 2.0 seeks in particular to:

- **Build the capacities** of national practitioners to address issues related to the rights of child victims and children suspected and/or accused of crime when involved in restorative justice processes
- **Increase knowledge** and exchange of learning among EU justice actors about access of child victims and children suspected and/or accused to high quality restorative justice processes
- **Empower child** victims and children suspected and/or accused of crime to play a meaningful role when involved in restorative justice processes
- **Raise awareness** among multidisciplinary actors and the community about accessibility and its obstacles, to high quality restorative justice processes for child victims and children suspected and/or accused of crime

### 3. Objectives of the consultancy

Tdh Romania is looking for a **curriculum developer/trainer** to develop and conduct face to face training courses on restorative justice and its application with children in contact with the law in Romania. The training modules will be defined based on the local context. The selected trainer will conduct the training alongside an in-house trainer from Tdh.

Under this assignment, it will be conducted:

- **2 days national face-to-face training workshops on “Introduction to Restorative Justice”**. The training material developed in i-RESTORE phase I will be adapted so this programme will be an enhanced version of the original package.
- **2 days national face-to-face training on “Advanced Restorative justice skills”**. This is offered as an advanced training for participants of the “Introduction to RJ” course, as well as for other practitioners who already have the required base knowledge. Both the Introductory session as well the advance session will include topics/skills to be addressed together with activity sheets, case studies, exercises. It will not provide a certification to become a restorative justice practitioner (as this differs according to national policies), but rather focus on strengthening restorative-oriented skills for working with children in the justice system or in other situations of harm/conflict.
- **2 days national Train the Trainers session** on new specific skills for offering, designing and delivering a restorative justice process tailored to children’s needs. This will be done by:
  - Designing the trainer’s package
  - Piloting the train the trainer’s package’s activities and

- Evaluating trained participants so that each of them delivers a 2-hours practical workshop to others on the topic addressed during the train the trainer's programme.

The main goal of the i-RESTORE 2.0. training programme is to *build the capacities and foster mutual learning amongst national policy makers and practitioners in criminal justice to implement child-victim-friendly restorative justice approaches and mechanisms, through face-to-face and training material.*

### Ethical principles

The following general cross cutting principles will guide the assessment and research process:

- The principle of **“the best interests of the child”** (Article 3, CRC) 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.
- Quality of research methodology that allows for **validity and reliability of findings open to peer review.**

## 4. Methodology

**Locations:** Romania; in-country travels may be requested to provide the training.

**The selected national curriculum developer/trainer will be part of a team led by a research consultant from Restorative Justice Netherlands and one research consultant from the European Forum on Restorative Justice.**

The selected curriculum developer/trainer is expected to support the development of a face-to-face and an e-learning training programme, providing a general understanding of restorative justice and its use with children in contact with the law, as well as a specific section related to their target country (Romania). The country specific sections will build on the findings of the research previously conducted in the i-RESTORE project phase I about the current situation concerning restorative justice and child victims.

The following specific activities will be conducted by the national curriculum developer/trainer:

- Analyse the global research report<sup>6</sup> on restorative justice with child victims (including a specific focus on Romania<sup>7</sup>) and the recently released Rapid Needs Assessment Report<sup>8</sup>, as a basis to develop a face-to-face training workshop;
- Support the development of a face-to-face training programme on “Introduction to Restorative Justice” and on “Advanced Restorative justice skills” in Romania;

<sup>6</sup> [european research report irestore en 101220.pdf \(euforumrj.org\)](#)

<sup>7</sup> [romanian research report irestore en 101220.pdf \(euforumrj.org\)](#)

<sup>8</sup> [Report - Restorative Justice Practices for children in contact with the law in Estonia and Romania - 2023.pdf \(tdh.ro\)](#)

- Support the development of a face-to-face ToT training programme for trainers to deliver the “Introduction to RJ course” and the “Restorative Justice Skills” courses for a pool of max. 10 trainers per country in Romania, depending on their level of advancement. European Forum for Restorative Justice in collaboration with Restorative Justice Netherlands will first develop this programme;
- Adapt the training programmes to local context, while adding local expertise to the drafting of the modules;
- Participate in the online sessions to prepare and discuss the face-to-face training materials with representatives of the consortium;
- Participate to the meeting with the Technical Advisory Board of i-RESTORE 2.0 and present the draft materials concerning the respective countries;
- Incorporate feedback received on the content of draft materials from the consortium and Technical Advisory Board;
- Deliver a 2+2 days training workshop on **“Introduction to Restorative Justice”** and on **“Advanced Restorative Justice Skills”** alongside an in-house Tdh trainer;
- Deliver a 2 days ToT for a pool of trainees who participated in the **“Introduction to Restorative Justice”** and the **“Advanced Restorative Justice Skills”** training, alongside an in-house Tdh trainer;
- Reporting on train delivery.

The curriculum developer/trainer will work under the supervision of the **i-RESTORE 2.0 Project Manager based in Bucharest**. The curriculum developer/trainer and the Project Coordinator in the respective country will agree on the schedule of curriculum development and of the face-to-face trainings, according to the timeline approved by the Donor.

The face-to-face courses will be attended by a multidisciplinary group of maximum **25 professionals per country for the introductory and advance courses and 10 professionals per country for the advance training/train the trainers**. The selected national curriculum developer/trainer will be expected to contribute to the selection of the trainees’ audience by reaching out to their local networks in their respective countries.

The target group will possibly include:

- legal professionals (e.g. judges, lawyers, prosecutors)
- other criminal justice professionals (e.g. probation officers, police, prison staff)
- restorative justice practitioners (e.g. mediators, facilitators)
- victim support workers
- child protection professionals (e.g. social workers, psychologists)
- representatives of NGOs working with children and/or restorative justice
- professionals in education (e.g. teachers, school counsellors, educators)
- policymakers (e.g. representatives at the ministry of justice or education, national ombudsmen and ombudswomen)
- academics (e.g. researchers in children rights and/or restorative justice)
- others who express interest in the topic (i.e. child victims and restorative justice)

## 5. Deliverables & Timeline

All deliverables should be produced by the team of curriculum developers/trainers within the set timeframe.

Nr	Deliverable	Est. nr. of days per trainer
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A	Analyse the global research report <sup>9</sup> on restorative justice with child victims (including a specific focus on Romania <sup>10</sup> ) and the recently released Rapid Needs Assessment Report <sup>11</sup>	1
B	Support the development of a face-to-face training programme on “Introduction to Restorative Justice” and on “Advanced Restorative justice skills”	2
C	Support the development of a face-to-face ToT training programme for trainers to deliver the “Introduction to RJ course” and the “Restorative Justice Skills” courses	2
D	Adapt the training programmes to local context, while adding local expertise to the drafting of the modules	2
E	Participate in the online sessions to prepare and discuss the face-to-face training materials with representatives of the consortium + participate to the meeting with the Technical Advisory Board of i-RESTORE 2.0 and present the draft materials concerning the respective countries	1
F	Incorporate feedback received on the content of draft materials from the consortium and Technical Advisory Board	1
G	Deliver a 2+2 days training workshop on “Introduction to Restorative Justice” and on “Advanced Restorative Justice Skills” alongside an in-house Tdh trainer	4+1
H	Deliver a 2 days advanced training on Train the Trainers on Restorative Justice alongside an in-house Tdh trainer	2+1
I	Reporting on train delivery	1
	<b>Total number of days</b>	<b>18</b>

## 6. Roles and responsibilities

*The selected national curriculum developer/trainer will be part of a team led by a research consultant from European Forum on Restorative Justice and one representative from Restorative Justice Netherlands.*

### ➤ Role of RJN and EFRJ

EFRJ and RJN will be responsible for the development of the structure/plan of the face-to-face training courses, the workbook and the training guides.

### ➤ Role of Terre des hommes

The Project Manager will be responsible for overall coordination with the consortium’s focal points. She will be in regular contact with the curriculum developers/trainers and EFRJ/RJN. She will participate in the online sessions to discuss any logistical support needs and organisational matters, but also advise on alignment of approach and findings with regional programme strategies.

Tdh Romania will provide assistance to the curriculum developer/trainer in accessing the key informants and provide logistical support if needed.

<sup>9</sup> [european research report irestore en 101220.pdf \(euforumrj.org\)](https://euforumrj.org/en/101220.pdf)

<sup>10</sup> [romanian research report irestore en 101220.pdf \(euforumrj.org\)](https://euforumrj.org/en/101220.pdf)

<sup>11</sup> [Report - Restorative Justice Practices for children in contact with the law in Estonia and Romania - 2023.pdf \(tdh.ro\)](https://tdh.ro/Report-Restorative-Justice-Practices-for-children-in-contact-with-the-law-in-Estonia-and-Romania-2023.pdf)

### ➤ Role of the curriculum developer/trainer

The curriculum developer/trainer will work under the supervision of the Project Manager for i-RESTORE 2.0, who is based in Bucharest. The curriculum developer/trainer and the Project Manager will agree on the schedule of curriculum development and of the face-to-face and trainings, according to the timeline approved by the Donor.

To ensure the smooth implementation of the mandate, the curriculum developer/trainer will be in regular contact with the Project Manager of i-RESTORE and with the Research Coordinators from EFRJ/RJN. This will include communication via email, telephone and through Skype/MS Teams discussions.

The curriculum developer/trainer will be responsible for providing feedback on the English material produced, adapting the material to local contexts and delivering the training programmes.

The curriculum developer/trainer must sign the Terre des hommes Child Safeguarding Policy and Code of Conduct and be willing to adhere to its principles and expected practices. They must also comply with Terre des hommes Policy Against the Financing of Criminal Activity and be willing to go through a screening process. 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. Profile of the curriculum developer and trainer

The preferred candidates have practice experience in restorative justice with children in contact with the law and a willingness to give training on this topic. As this may be too specific for the four countries of this project, the candidates should meet the following requirements:

- Practice and/or training experience in working (restoratively) with children involved in the criminal justice system, or
- Practice and/or training experience in working (restoratively) with (children) victims of crime, or
- Practice and/or training experience in restorative approaches in schools (alternative conflict resolution, nonviolent communication, etc.)

Candidates must have at least a restorative attitude (even if called in other terms) to work with children involved in the criminal justice process and they must be willing to get acquainted with restorative justice theories and practices.

*The selected candidates will need to follow an online “training for trainers” with the i-RESTORE 2.0 team and members of the project’s Technical Advisory Board to align their expertise in restorative justice with children in contact with the law with the i-RESTORE 2.0 consortium guidelines.*

For the face-to-face training the selected curriculum developer and trainer may use some of the e-learning materials developed for the i-RESTORE project (e.g. videos, case studies, etc.).

### All candidates should ideally have:

- 5-10 years of relevant work experience, out of which at least 5 years involved practical experience around work on diversion measures
- Possess recognized experience and/or knowledge relevant to research, teaching and training in the area of justice for youth

- Desirable to have relevant university degree in restorative justice, criminal justice, criminology, law or another relevant field
- Be familiar with EU guidelines/policies regarding child justice and victim protection
- Solid knowledge and understanding of international human rights laws and standards on child justice
- Excellent written and spoken English
- High degree of confidentiality
- Multidisciplinary expertise is an added value

**In addition to the above mentioned for all candidates, the candidate expert in each country should ideally have:**

- Local language proficiency
- Proven record of good knowledge of the legislation and policies related to child justice and/or children in contact with the law in their respective country
- Desirable to have proven record of good knowledge of the legislation and policies related to restorative approaches in their respective country

## 8. Budget and resources

The expert is required to mention in its application a daily rate in EUR, based on a total amount of 18 days required to carry out the consultancy (see section 5 above). All other costs related to the consultancy (travel for abroad visit, accommodation, other logistical support) will be covered by Tdh.

The payment will be issued in three parts:

- 30% upon signature of the contract;
- 30% upon delivery of the face-to-face training packages adapted to the local context – point D from Section 5 above;
- 40% upon facilitation of all face-to-face training sessions and submitting all reporting – point I from section 5 above.

## 9. How to apply

Tdh will hire a curriculum developer/trainer in Romania.

Tdh will accept applications from individual candidates as well as from a team of candidates. Qualified applicants are requested to send the following documents:

- **CV of expert(s) in English** presenting relevant experience with face-to-face and online learning as well as in the subject matter
- **Description** of the consulting company/organization applying, including references to previous similar projects, track record in the subject matter (restorative justice, juvenile justice, diversion) and knowledge of the phenomenon in Europe would be an asset
- In maximum 3 pages, **a concept proposal in English** for the course taking into consideration a 2-day training session in restorative justice answering the following three questions:
  - What topics would you address in this training?
  - How would you structure such a training?
  - What kind of exercises would you propose?
  - References of previous, similar work (including contacts that may be approached for direct reference)
  - Financial proposal including a budget, with cost-breakdown and daily fee
  - An Indicative timeline for implementation and milestones



**Deadline to submit applications:** 24 April 2023

Please send the complete documents package to: [cecilia.popa@tdh.ch](mailto:cecilia.popa@tdh.ch). Please include “i-RESTORE 2.0 Restorative Justice Training, your name and surname/name of your company” in the subject line of the application email. **Incomplete applications will not be taken into consideration.**

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

*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 the first interview.