

TERMS OF REFERENCE FOR INSTITUTIONAL CONTRACTS

Requesting Section: Sustainable Environment Section, in collaboration with Child Protection Section and Adolescents Section, UNICEF EAPRO

TITLE: Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific (RFPS)

1. Background

The global environmental crisis undermines the fundamental rights of every child in countless ways through the climate emergency, environmental pollution and biodiversity loss. This is made even more apparent now with the most vulnerable and marginalized children and communities grappling with the compounding challenges of the COVID-19 pandemic and the climate crisis.

Southeast Asia is part of the most disaster-affected region in the world with 95 per cent of the disaster risks climate-related¹. The impacts of climate change and environmental degradation caused by air and water pollution, hazardous chemicals and substances, toxic wastes, and the loss of biodiversity risk undoing much of the gains made in child health and development and threaten the fundamental rights of the child. More than 90% of children in the region are exposed to air pollution levels above WHO standards and Southeast Asia has the highest deforestation rates of any major tropical region – which is linked to decreased nutrition intake, diarrhoea, fever and acute respiratory infection among children. In addition to environmental degradation, the region has some of the largest number of children highly exposed to multiple climate hazards – as exemplified by the damage caused by typhoons Goni and Vamco in the region, displacing about 5 million people in Viet Nam and Philippines in 2020² and their destruction to infrastructure, with children bearing the brunt of many of these impacts. Children in the region are already affected by climate risks including sea-level rises in coastal areas leading to flooding, loss in crop yields, mortality from climate-sensitive diseases, temperature rise and ecosystem loss affecting their health and nutrition. According to the global climate risk index, many of the countries in the region are the most vulnerable to climate impacts globally, with Myanmar, Philippines, Vietnam and Thailand making the top 10³. Yet at the same time, region is also becoming more carbon intensive – with some of the biggest GHGs (Greenhouse Gas) per capita emitters despite a huge renewable energy potential. Most marginalized and vulnerable children are disproportionately affected by environmental degradation and climate change in the region. Over 90% of pollution-related deaths occur in low-income and middle-income countries and pollution-related diseases are concentrated among poor and marginalized communities. Despite the progress made for children’s environmental rights in international and national laws and policies across the region, there are still gaps to be filled for the full realization of children’s rights to a safe, clean and healthy environment. Children across the region still generally lack access or knowledge on the legal mechanisms available to them to seek climate and environmental justice. Moreover, when children do attempt to seek the justice owed to them, they risk placing themselves in danger⁴.

Children’s environmental rights is an important gap in legal empowerment of children and climate actions in the region. UNICEF, UNEP, and UN Human Rights are working jointly to promote children’s rights to a safe,

¹ United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). The Disaster Riskscape across South-East Asia: Key Takeaways for Stakeholders. ST/ESCAP/2885

² IDMC, Global Report on Internal Displacement, 2021. https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf

³ Germanwatch, Global Climate Risk Index 2020. https://www.germanwatch.org/sites/default/files/20-2-01e%20Global%20Climate%20Risk%20Index%202020_14.pdf

⁴ FORUM-ASIA. 2019. Defending in Numbers. <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE-1.pdf>

clean, healthy and sustainable environment and have identified enforcement and access to justice are one of the priority areas for children's rights to a healthy environment in the ASEAN region.

As part of the Re-imagine Agenda, UNICEF EAPRO aims to develop a regional-level legal empowerment strategy to provide support for children, caregivers and local organisations to understand and to use the law and legislative mechanisms to enable them to claim their rights⁵, including their rights to climate and environmental justice. This assignment will build on the conceptual framework on legal empowerment of children and adolescents in the region. Specifically, this assignment will contribute to better understanding of gaps and opportunities and development of contextualised knowledge and information in legal empowerment of children, caregivers and local organisations for seeking environmental and climate justice in the region.

2. Objectives, Purpose & Expected results

Objectives: Empower children, caregivers and young people with information and knowledge to strengthen their capacity to exercise their rights to a healthy and sustainable environment and to seek climate and environmental justice in East Asia and the Pacific region

Purpose: Regional data collection, analysis, information and capacity development materials for legal empowerment of children, caregivers and young people for climate and environmental justice in East Asia and the Pacific region

Results: Regional, country and local-level stakeholders that are key in realizing the rights of the child to a healthy and sustainable environment, including children and youth groups, environmental organisations, national human rights institutions and legal aid providers, are equipped with information and knowledge to support legal empowerment to advance climate and environmental justice for children in East Asia and the Pacific region,

3. Description of the assignment

A. Regional report: State of Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific region

- 1.1. Literature review and desk-based research of relevant studies, documents and available data on children's environmental rights violations cases in the region to provide a quick regional overview of relevant cases and situations on the ground at country and local levels.
- 1.2. In-depth case studies of selected past and on-going children's environmental rights violations cases and legal empowerment initiatives related to climate and environmental justice for children. The case studies can include unsustainable management of extractive industries, deforestation, environmental pollution, waste and climate change. The case studies should include analysis of the current status, challenges, lessons learned, and opportunities related to resolving selected children's environmental rights violations cases and legal empowerment to advance climate and environmental justice for children.
- 1.3. Literature review and analysis of relevant policies, mechanisms, services and actors involved in legal empowerment of children and youth for climate and environmental justice in the region. This will build on existing materials including:

⁵ Adapted from Report of the Secretary-General (2009). Legal Empowerment of the poor and eradication of poverty. <https://www.un.org/esa/socdev/documents/reports/Legal%20empowerment%20of%20the%20poor.pdf>

- Draft UNICEF EAPRO Conceptual framework for legal empowerment for children and practical guide
 - The UNICEF-UNEP-UNOHCHR Principles and Policy Guidance on Children’s Rights to a Safe, Clean, Healthy and Sustainable Environment in the ASEAN Region
 - UNICEF EAPRO Children's Rights to a Healthy Environment in East Asia & the Pacific Discussion Paper – which includes legal reviews 5 countries’ national laws (Cambodia, Indonesia, Fiji, Mongolia and Viet Nam), for children’s environmental rights, as well as country-level examples and challenges.
 - External databases/ sources:
 - Columbia University Sabin Centre Climate Litigation Databases
 - UNEP Global Climate Litigation Report, 2020
 - Asia Development Bank Climate Litigation in Asia and the Pacific and Beyond, 2020
- 1.4. In line with the conceptual framework on legal empowerment, identify gaps, challenges and opportunities for supporting legal empowerment to advance climate and environmental justice for children in the region.
- 1.5. Undertake virtual consultations with relevant regional and country experts as needed throughout the analysis.
- 1.6. Organize a regional expert and stakeholder meeting (virtual) on the final report

B. Country-specific guidance materials for legal empowerment to advance climate and environmental justice for children in 2 target countries (to be confirmed with UNICEF RO and COs)

- 2.1. Information and capacity needs assessment in pilot countries for data, information, capacity of key stakeholders to empower children and youth in seeking climate and environmental justice. Suggested activities may include but not limited to:
- Mapping of demand and supply of legal empowerment services for children’s climate and environmental justice in target countries
 - Mapping of potential legal support and para legal support available for the target countries (including academic institutes)
 - Stakeholder consultations to assess their information and capacity needs
- 2.2. Country-specific information and capacity development guidance for legal empowerment of children and youth for climate and environmental justice;
- Based on the 2.1 assessment, develop disability-accessible, age-appropriate and contextualised information and capacity development guidance materials that can be used by children, families, youth groups, child rights and environmental organisations and legal aid providers in the target countries.
 - Depending on the outcome of the needs assessment, these products can take the form of briefs, reports and/or workshop curriculum etc. to be decided in consultation with UNICEF Regional Advisers and Country offices on the medium that would best suit the target audience and purpose during the assignment.
- 2.3. Virtual capacity development workshop for the target countries, using the above guidance materials

4. Deliverables

Deliverables	Description
1. Inception Report	<ul style="list-style-type: none"> Inception report by awarded contractor on intended approach for the assignment, after consultation with UNICEF EAPRO on the methodology, deliverables and timeline
2. Regional report: State of Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific region	<ul style="list-style-type: none"> Draft Stakeholder consultations Revised draft incorporating feedback
3. Expert and stakeholder Consultations of the final draft of the regional report	<ul style="list-style-type: none"> Consultation presentation materials, workshop agenda, session plans, participants list, workshop report
4. Country-specific guidance materials for legal empowerment to advance climate and environmental justice for children in 2 target countries (to be confirmed with UNICEF RO and COs)	<ul style="list-style-type: none"> Information and capacity needs assessment in pilot countries for data, information, capacity of key stakeholders to empower children and youth in seeking climate and environmental justice Country-specific information and capacity development guidance for legal empowerment of children and youth for climate and environmental justice
5. Virtual capacity development workshop for 2 target countries, using the above guidance materials	<ul style="list-style-type: none"> Workshop presentation materials, workshop agenda, session plans, participants list, workshop report

5. Reporting requirements and estimated timeline

Deliverables	Timeline
1. Inception Report	20 August 2021
2. Regional report: State of Legal Empowerment of Children and Youth for Climate and Environmental Justice in East Asia and the Pacific region	15 October 2021
3. Expert and stakeholder Consultations of the final draft of the regional report	29 October 2021
4. Country-specific guidance materials for legal empowerment of children and youth for climate and environmental justice in 2 target countries (to be confirmed with UNICEF RO and COs)	29 November 2021
5. Virtual capacity development workshop for the target countries, using the above guidance materials	31 December 2021

All deliverables will be submitted to the EAPRO Regional Climate Change and Environment Advisor, schoi@unicef.org; in English and electronically (file formats: .docx, .pdf, .pptx and .xlsx). In addition to the EAPRO Sustainable Environment section, the EAPRO Child Protection and the ADAP sections will closely collaborate on this assignment as part of the joint thought leadership initiative on legal empowerment for children and youth. Other relevant sections will be engaged as needed.

Deliverables will follow high quality editorial standards on language, style, usage and rules governing writing as per UNICEF Style Book, to be shared by UNICEF.

All deliverables must be completed in-line with the UNICEF Ethical Standards in Research, Evaluation, Data Collection and Analysis⁶. Project proposals should have an ethics section and explicitly outline: 1) the team member's training in and familiarity with research ethics; 2) funding, sponsors and institutional affiliations; and 3) any actual or potential conflicts of interest. In addition to the above, the ethics section of the proposal, inception report and final report should include consideration of potential harms and if the benefits outweigh the risks; measures taken to ensure 'do no harm'; methodology to minimize stress for participants; how informed consent will be/have been acquired; any compensation paid for participation; and measures to ensure privacy and confidentiality.

6. Location and Duration

- Starting period: August 2021
- Foreseen finishing period: January 2022
- Indicative schedule of the assignment: idem as per the deliverables table above
- Timeframes are negotiable subject to discussion and agreement with the contract supervisor
- Location(s) and schedule of the assignment: to be home-based with virtual consultation meetings and any possible physical consultation meeting depending on the situation to be confirmed during the assignment.
- Due to the ongoing Covid-19 pandemic, no travel is foreseen under this assignment.

7. Qualification requirements or Specialized skills/Experience Required:

Institutional contractors are expected to have fulfilled one or more of the following requirements:

- Have an inter-disciplinary team of:
 - 1) Senior environmental law or policy expert with at least 10 years' experience working on climate change, including relating to children
 - 2) Senior child/human rights expert with at least 7 years' experience working on legal empowerment issues, including relating to children
 - 3) Engagement expert with at least 5 years of experience working with human, child rights and environmental rights institutions and stakeholders
- Proven track record in conducting researches and analyses related to children's environmental rights and legal empowerment for climate and environmental justice in the EAP region
- Proven track record in developing information and capacity development guidance materials related to children's environmental rights and legal empowerment for climate and environmental justice in the EAP region
- Excellent verbal and written communication skills
- Be able to work in complex partnerships with government, civil society, academia and development partners
- Demonstrated ability to work across country and cultural contexts on sensitive issues;
- Strategic experience in developing and implementing initiatives on legal empowerment in the East Asia Pacific region and prior engagement experience with ASEAN are a strong asset.
- The institutional contractor is responsible for coordination with in-country partners and all aspects of the desk review, data collection, data analysis and delivery of expected outputs.
- Ability to speak and write fluently in English.

⁶ UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis is available at: https://www.unicef.org/supply/files/ATTACHMENT_IV-UNICEF_Procedure_for_Ethical_Standards.PDF

8. Evaluation process and methods

The evaluation panel will first review each response for compliance with the mandatory requirements of this RFPS. Failure to comply with any of the terms and conditions contained in this RFPS, including provision of all required information, may result in a response or proposal being disqualified from further consideration. Kindly also refer to the detailed instructions in the main LRPS document.

Each valid proposal will be assessed by an evaluation panel first on its technical merits and subsequently on its price. For this RFPS, the weight allocated to the technical proposal is 70 % (i.e. 70 out of 100 points). To be further considered for the financial evaluation a minimum score of 49 points is required. Only proposals with a score of 49 or more points in the technical evaluation will be financially evaluated (i.e. the financial proposal will be opened). For further details and the distribution of points kindly refer to **table 1** below.

The weight allocated to the financial proposal is 30 % as per the following: the maximum number of 30 points will be allotted to the lowest technically compliant proposal. All other price proposals will receive points in inverse proportion to the lowest price. Commercial proposals should be submitted on an all-inclusive basis for providing the contracted deliverables as described in the TOR.

The proposal(s) obtaining the overall highest score after adding the scores for the technical and financial proposals is the proposal that offers best value for money and will be recommended for award of the contract.

Table 1: Evaluation Criteria and distribution of points

Category	Max. Points
1. Overall Response <ul style="list-style-type: none">Understanding of and responsiveness to the requirements (8)Understanding of scope, objectives and completeness of response (6)Overall agreement between UNICEF requirements and the proposal (6)	20
2. Methods <ul style="list-style-type: none">Quality and appropriateness of the proposed methods (8)Quality of proposed implementation plan, i.e. how the bidder will undertake each task, and time-schedules (7)Risk assessment in terms of recognition of the potential problems and methods to prevent and manage potential problems / quality controls (5)	20
3. Proposed Team and Organizational Capacity <ul style="list-style-type: none">Team leader with relevant experience, qualifications, and position within contracting institution (8)Team members with relevant experience, skills & competencies, including local partners involved in undertaking the work in country (8)Organization of the team and roles & responsibilities (7)Professional expertise, knowledge and experience with similar projects, contracts, clients and consulting assignments (7)	30
TOTAL POINTS FOR TECHNICAL PROPOSAL (min. passing score = 49 points)	70
4. Financial Proposal and Price Full marks are allocated to the lowest priced proposal. The financial scores of the other proposals will be in inverse proportion to the lowest price.	30
TOTAL MARKS	100

9. Administrative issues and response to this tender

- **Technical Proposal:** The technical proposal must include updated CV(s) of all consultant(s), and electronic copies of any relevant studies and assessments performed previously by the lead consultant. For further details kindly refer to **Annex C** – Technical Proposal.
- **Financial Proposal:** The financial proposal must include all costs related to this assignment and show a breakdown of costs per country and deliverable, include all travel costs, required translations or other costs. No financial information shall be included in the Technical Proposal. For further details kindly refer to **Annex D** – Financial Proposal.
- All resources and facilities to fulfil this assignment must be provided by the contractor (e.g. access to printer, office space, license to databases and reports, etc.).
- Due to the ongoing Covid-19 pandemic, no travel is foreseen under this assignment.

10. Payment Schedule

- The payment schedule must be based on completed deliverables.
- If the bidder wishes to propose an alternative payment schedule, it must be included in the financial proposal. The final payment schedule is to be reviewed and agreed with UNICEF.
- Payment terms 30 days net upon receipt of approved invoice.

Deliverables	Payment
1. Inception Report	15% After approval by the relevant authorized officials
2. Regional report: State of Legal Empowerment of Children and Youth for Climate and Environmental Justice in East Asia and the Pacific region	35% After approval by the relevant authorized officials
3. Expert and stakeholder Consultations of the final draft of the regional report	
4. Country-specific guidance materials for legal empowerment of children and youth for climate and environmental justice in 2 target countries (to be confirmed with UNICEF RO and COs)	30% After approval by the relevant authorized officials
5. Virtual capacity development workshop for the target countries, using the above guidance materials	20% After approval by the relevant authorized officials