

**UNICEF COUNTRY OFFICE BULGARIA**

**TERMS OF REFERENCE**

**Consultancy for a national researcher/  
team of national researchers with expertise in family law and child protection law  
to support the delivery of a  
Legal Study to identify and address legal issues arising in relation to the protection of unaccompanied and  
separated children**

**Start date:** March 2023 (TBC)  
**End date:** July 2023 (TBC)  
**Reporting to:** UNICEF Bulgaria Child Protection Specialist

### **I. Background and UNICEF's Role**

UNICEF promotes the rights and well-being of every child; in everything we do. Together with our partners, we work in 190 countries and territories to translate that commitment into practical action, focusing special effort on reaching the most vulnerable and excluded children, to the benefit of all children, everywhere. UNICEF supports child health and nutrition, good water and sanitation, quality basic education for all boys and girls, including the most vulnerable like the asylum-seeking, refugee and migrant children. UNICEF Bulgaria and the Government of the Republic of Bulgaria are in the 1<sup>st</sup> year of implementation of the Cooperation Programme for the period 2023-2027. This cooperation is guided by the UN Convention on the Rights of the Child and the concluding observations and recommendations of the Committee on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, as well by the UNICEF Strategic Plan 2022-2025 and the SDGs 2030 Agenda as well the Rolling Work Plan for 2023-2024. The present Terms of Reference is fully aligned with the national policies and priorities related to refugee and migrant children including the National Strategy on Migration of the Republic of Bulgaria 2021-2025, the National Action Plan for the implementation of the the EU Council's recommendation to establish a European Child Guarantee (2030) and the National Programme for Prevention of Violence and Child Abuse for the period 2023-2026.

The escalation of hostilities in Ukraine since late February 2022 has triggered Europe's largest refugee crisis since World War II, with millions of persons fleeing Ukraine having arrived in neighbouring countries, including in Bulgaria. In order to respond to the situation of the refugees arriving from Ukraine, the neighboring countries and receiving countries like Bulgaria applied protection mechanisms, including through the EU triggering the application of the EU Temporary Protection Directive in the European Union (EU) for the first time. Based on official data from the State Agency for Refugees, since the beginning of the conflict a total of 958,000 refugees from Ukraine have entered Bulgaria. As of the end of the year, 50,632 Ukrainian refugees remained in the country. 148,782 people have been granted Temporary Protection. 85% of them are women and children (52,758 children, 74,137 women and 21,887men). Although in Q3 and Q4 2022 people from Ukraine continued to enter Bulgaria and seek temporary protection, the number of arrivals and departures balanced each other. In Q3 the average number of arrivals was 4,100 per day and the average number of departures 4,401 per day, while for Q4 there is a significant decrease and the daily average number of arrivals was 2,186, and 2,226 departures.<sup>1</sup>

<sup>1</sup> Information by SAR as of 21 December 2022 from [UNHCR Bulgaria](#)

Ukraine began discussions with European and national authorities as well as UN agencies including UNICEF in relation to the protection of unaccompanied and separated children fleeing Ukraine. Ukraine also introduced new measures including adapted rules relating to border crossing and the role of consular authorities in responding countries.

In order to respond more adequately to the needs, UNICEF, Eurochild and Child Circle launched a collaboration on a [Discussion Paper](#) on guardianship, care arrangements and custodial responsibilities for unaccompanied and separated children fleeing Ukraine and arriving in the EU. UNICEF and Eurochild also undertook a [mapping exercise](#) examining the law and policies at national level for children in alternative care and unaccompanied and separated children from Ukraine in 13 countries across Europe.

Both the mapping and the Discussion Paper illustrated the complex and sometimes uncertain legal situation that arises in relation to the protection of unaccompanied and separated children and children in alternative care in Ukraine who are evacuated from Ukraine as a result of the applicability of a range of different and new legal instruments. The Discussion Paper underlined that the legal uncertainty and complexity engendered by this situation has the potential to pose significant difficulties for children, any accompanying custodians and caregivers, national stakeholders, authorities, guardians and legal and judicial authorities in proceedings concerning these children.

Following the mapping and the Discussion Paper, UNICEF ECARO, in close consultation with UNHCR and in partnership with Child Circle, has initiated a legal study that aims to unpack the complex and overlapping relevant international and regional legal frameworks as they relate to unaccompanied and separated refugee children, as well as to orphans and other children who were deprived of parental care in Ukraine and who were evacuated from alternative care settings as a result of the war.

## II. Objectives and specific activities of the consultancy

The primary purpose of the Legal Study is to identify and address legal issues arising in relation to the protection of unaccompanied and separated children, including children from Ukraine and non-Ukrainian refugee and migrant children. A special focus will be paid to the legal framework related to children deprived of parental care and children evacuated from residential and alternative care settings in Ukraine who may be present in Bulgaria.

Within this demographic frame, the study will have a particular focus on:

- Caregiving and custodial arrangements, including access to the national child protection and alternative care systems and propose recommendations for action, including through expert exchanges at national and regional level.
- Guardianship;
- Access to immediate protection under international, EU or national law, such as the Temporary Protection Directive, asylum procedures, where applicable, and national humanitarian procedures;
- Best interests' procedures to identify comprehensive, secure and sustainable solutions, including inter alia, potential return to Ukraine, asylum, family reunification in another country or integration in a host country, including existing mechanisms and procedures for information gathering and dialogue between Bulgaria and Ukraine.
- Types of protection (e.g. Temporary Protection; Refugee status; Recognition as stateless; non-harmonised national protection status) available for children arriving from Ukraine.

In doing so, the study will provide:

- A comprehensive analysis of relevant international and regional laws and procedures concerning children without parental care, including unaccompanied, separated and children evacuated from institutions fleeing Ukraine, in order to clarify how laws and procedures should best be applied in practice to protect and care for children;
- An identification of challenges, gaps and good practices of relevant laws and procedures in multiple countries, including Bulgaria, as well as identify the multitude of different case scenarios that may arise concerning caregiving, guardianship and protection of children without parental care, including unaccompanied, separated and children evacuated from institutions fleeing Ukraine;
- The development of recommendations and national plans for promoting progress in dialogue between national authorities and stakeholders.

The Study will also consider how the legal analysis, guidance and recommendations can promote progress in terms of similar issues arising for unaccompanied and separated children displaced from countries other than Ukraine.

To contribute to this legal analysis, **UNICEF Country Office in Bulgaria is looking for a legal consultant/team of legal consultants, specialized in the field of family law and child protection law** to carry out national level research. The legal consultant/team of consultants selected to undertake the national research will receive support and guidance from both the UNICEF Bulgaria Country Office and Child Circle.

The legal consultant/team of legal consultants will:

- Conduct a preliminary mapping of relevant national legislation, including a legal desk review of the main issues concerning unaccompanied and separated children with reference to international, EU and national legal frameworks, in order to identify the legal issues that need to be further investigated in relation to the focus areas of the study;
- Conduct ad-hoc consultations with key informants and stakeholders to fill the gaps in terms of information available and to acquire the main points of view of the different actors on how the law should be applied with reference to Ukraine and non-Ukrainian unaccompanied and separated children;
- Where possible, identify and document case studies to analyze how specific case scenarios can be addressed in the national context;
- Deliver 1 final legal study, 1 advocacy report including stakeholder's engagement plan, and 1 compendium, with the findings of the research and key recommendations for Bulgaria to inform procedures and practices so that they effectively contribute to the promotion, protection and realization of children's rights in Bulgaria;
- Provide ad hoc legal advice to UNICEF office in Bulgaria on issues pertaining to legal protection of unaccompanied and separated children to inform UNICEF positioning and clarify legal safeguarding that should be applied in specific circumstances and conditions.

In addition, the consultant/team of consultants will:

- Work together with another National Researcher recruited by UNICEF to support the legal study with expertise in migration law in order to combine perspectives;
- Regularly brief UNICEF Bulgaria Country Office on the research progress, findings and incorporate their feedback into the drafts;
- Support UNICEF Country Office with presenting the research and preliminary findings and recommendations to key stakeholders and partners; in organizing consultative meetings and reflecting and responding to the comments received as part of these consultations;
- Follow-up activities to the research (e.g. in a national working group to present and to discuss the gaps and recommendations);

- Prepare briefing notes for thematic consultations and lead the technical discussions or support UNICEF Country Office to lead them.

### III. Key deliverables

Tasks/Milestone	Deliverables/Outputs:	Timeframe
Conducting legal research, including consultations and analysis	Inception report	3 WDs - Month 1
	Country specific situation analysis (in English) including legal and policy framework and stakeholder mapping of relevant national legislation, including a desk review of the main issues concerning unaccompanied and separated children with reference to international, EU and national legal frameworks, in order to identify the legal issues that need to be further investigated in relation to the focus areas of the study	13 WDs – Month 2
	Research methodology plan, including research questions identified through the initial desk review, tools, methodology and key informants to be consulted	8 WDs – Month 2
	Consultations with key informants and stakeholders	5 WDs – Month 3
	1 Legal study drafted, validated and finalized	40 WDs – Month 3 – 4
Development of a national advocacy strategy and plan, including stakeholder’s engagement plan	1 advocacy strategy and plan drafted and validated including a plan for stakeholder’s engagement	10 WDs – Month 4-5
	1 compendium/brief with the key findings of the legal analysis and key advocacy recommendations	3 WDs – Month 5-6
Coordination with UNICEF Bulgaria and ECARO Regional Office on the legal study in Bulgaria	At least 1 month coordination with UNICEF ECARO and Child Circle	10 WDs – Month 1-6
	Participation in 1 Advocacy Strategy Development Workshop with UNICEF ECARO and Child Circle	
Ad-hoc Legal advice on legal issues related to protection of displaced and refugee children	5 Legal Q&As related to reports	15 WDs – Month 1 – Month 6

### IV. Timeframe and duration of the assignment

March - July 2023

## V. Required education, experience and competences

The consultant/s should possess and meet the following criteria:

- Degree in law with proven expertise in family law and child protection law;
- A practicing lawyer with knowledge of relevant national procedures;
- Familiarity with the application of international private law (e.g. 1996 Hague Child Protection Convention) in the national context;
- Strong legal research skills;
- Knowledge of national guardianship and child-care system(s);
- Experience with issues related to the protection of unaccompanied and separated migrant children would be an asset;
- Excellent analytical, drafting and editing skills in English;
- Excellent written, reading and speaking skills in Bulgarian and in English;
- Preferably with a track record of publications in this field.

Consultants and Individual contractors, even those working from home, must complete the following online courses prior to signature of contract. All certificates should be presented as part of the contract.

- Ethics and Integrity at UNICEF;
- Prevention of Sexual Harassment & Abuse of Authority;
- Sexual Exploitation Abuse (PSEA);
- Consultants and Individual Contractors must complete the following course before commencement of any travel on behalf of UNICEF;
- BSAFE Security Training.

## VI. Payment

Payment will be defined and based on evaluation of submitted offers which shall include a CV and a daily fee by prospective consultant/team of consultants, in accordance to UNICEF Rules and Regulations. All payments will be processed after issuing an invoice for services and upon submission and approval of expected deliverables by UNICEF.

## VII. Supervision

The consultant/team of consultants will be supervised by the UNICEF Bulgaria Child Protection Specialist and will work in close collaboration with the Refugee and Migrant Children Programme Officer and the Child Protection Officer at UNICEF Bulgaria Country Office.