

UNICEF LAO PDR TERMS OF REFERENCE FOR SERVICES CONTRACT

Rapid Situation Assessment of Children without Parental Care in Lao PDR

Requesting Section: Child Protection

Date: 5 May 2016

Outcome: By 2016, children in Lao PDR are protected against abuse, exploitation, violence, neglect and discrimination through the development of a legal, regulatory and social welfare system.

Output: By 2016, the most vulnerable and marginalized children and their families are better protected by a child and family welfare system.

1. Purpose of assignment

The purpose of this consultancy is to conduct a rapid situation assessment of children without parental care in Lao PDR in line with the Child Protection Section's multi-year work plan (2015-2016) with the Government of Lao PDR. The assessment will directly inform how the government proceeds to a) prioritize further research needs and collect quantitative and qualitative disaggregated data on children without parental care, b) initiate a dialogue across sectors to develop guidelines to protect children that are not in the care of their parents or no longer able to live in the care of their parents, in line with the 2010 UN Guidelines for the Alternative Care of Children, c) establish a mechanism to ensure the periodic review of children and adherence to standards in alternative care settings, and d) inform, which social protection and preventative mechanisms and strategies can be put in place to prevent the separation of children from their parents. This will help the Government of Lao PDR to meet its commitments to the 2007 Law on the Protection of the Rights and Interests of Children.

2. Background/Rationale

Around the world, children continue to be separated—temporarily or permanently—from their parents. Many factors contribute to this separation, including poverty, the need to access educational or work opportunities, emotional and behavioural difficulties, disability, substance use, family conflict and breakdown, abuse, neglect and migration.

Children without parental care are defined as all children not living in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. They include children living in residential care, with extended or foster families, in boarding schools, temples, detention facilities, shelters and on the street¹.

¹ UN Guidelines for the Alternative Care of Children, February 2010.

The UN Convention on the Rights of the Child (Article 7) recognizes the right of every child to know and be cared for by his or her parents. Article 20 provides that “a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State”. State Parties “shall in accordance with their national laws ensure alternative care for such a child... and when considering solutions, due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background”.

In Lao PDR, the Law on the Protection of the Rights and Interests of Children (Articles 42 and 43) describes the role that the Government plays to protect children without parental care. It states that the best interests of the child are paramount to placement in alternative care settings and that placement of a child in a residential care institution, such as an orphanage, boarding school or other institutional establishment, shall be a measure of last resort. It also states that the views of the child should be considered based on age.

The Lao Social Indicator Survey (LSIS) (2011-2012) revealed that ninety-five per cent of children aged 0-17 years live with at least one biological parent in Lao PDR. The same survey found that five per cent of children (or 2,217 children) between 0-17 years living in a household are orphans (one or both parents are deceased).

The LSIS is a household survey and does not provide data on children already living in alternative settings outside the home. There is very limited data and information available on the overall number of children without parental care: who is caring for them and where, how decisions were made (and by whom) to place them in care arrangements away from their parents, and if and how care arrangements are monitored. There is also little information about the underlying causes that lead to a child living without parental care, and whether children are consulted on the decisions that are made with respect to their care arrangements or on the quality of care that they receive.

Anecdotal evidence suggests that many decision makers, parents, families and children are not familiar with Lao laws and international standards on the alternative care of children, or know of and use suitable standards to care for and monitor the needs of children without parental care. There is also limited understanding of what a child without parental care means within the Lao culture, and what structures, systems, care institutions, family homes and extended kinship care arrangements exist in Lao PDR for children without parental care.

In 2012, the Ministry of Labour and Social Welfare organized two meetings, with support from UNICEF, to raise awareness and sensitize representatives from various government sectors about the rights of children without parental care and the importance of providing protection and assistance for these children in line with the UN Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children.

The Ministry of Labour and Social Welfare has requested UNICEF’s support to develop Alternative Care Guidelines for Children in the Lao PDR. These guidelines will ensure better delivery and monitoring of alternative out-of-home care for children without parental care. To inform the development of the guidelines, the Ministry of Labour and Social Welfare has also requested UNICEF’s support to conduct a rapid assessment on children without parental care. This rapid assessment will also provide vital information to strengthen coordination and collaboration with

other sectors, including the Ministry of Education and Sports, the Ministry of Public Security, the Ministry of Health (for children abandoned at birth and children with disabilities), as well as religious authorities, to better protect children without parental care.

3. Work Assignments

Task 1: Develop a detailed work plan and conceptual framework for the implementation of the rapid assessment based on inputs from key stakeholders.

Output 1: Agreed work plan and conceptual framework for the rapid assessment.

Task 2: Conduct a literature review of existing legislation, policies, publications on children without parental care in Lao PDR, including child rearing practices, and attitudes and behaviours towards child care. Revise the literature review based on feedback from key stakeholders.

Output 2: A comprehensive literature review of existing legislation and research related to children without parental care in Lao PDR.

Task 3: Develop and pre-test a set of research tools and revise the tools based on feedback from key stakeholders. Comprehensive pre-testing of the tools will be conducted with the target group and refined based on feedback from the field testing.

Output 3: Final research tools that have been comprehensively field-tested.

Task 4: Develop training materials and conduct a comprehensive training for members of the research team to ensure commonality, use and understanding of language, issues of children without parental care, and research tools, procedures and methodology.

Output 4: Training materials and workshop for members of the research team.

Task 5: Conduct interviews with key partners at the national and sub-national level and conduct fieldwork with children, parents, community members and officials in two target provinces (based on the methodology described below).

Output 5: Field visit report documenting the initial findings of the situation of children without parental care to inform the development of the draft assessment report.

Task 6: Produce a PPT presentation highlighting the key findings of the fieldwork/assessment to be presented at a validation meeting with Government, INGOs and other key stakeholders. Collect comments and recommendations and compile these in a short report.

Output 6: PPT presentation documenting the key findings of the assessment and a short report highlighting the key comments and recommendations raised by stakeholders at the validation workshop.

Task 7: Produce an assessment report that answers the key questions outlined in the methodology section below, describes in detail the methodology used,

incorporates feedback from all stakeholders, and makes recommendations to a) prioritize further research needs on children without parental care and alternative care settings and approaches, b) inform which social protection and preventative mechanisms and strategies can be put in place to prevent the separation of children from their parents, and c) provide a list of short-, medium- and long-term action that can be taken by the government, INGOs, UN agencies and non-traditional partners (such as religious leaders) to better protect children without parental care from violence, exploitation, abuse and neglect. Revise the assessment report based on feedback from UNICEF and key stakeholders.

Output 7: Final report detailing the situation of children without parental care in Lao PDR, including a detailed description of the methodology used, key findings and recommendations.

4. Methodology

The assessment is expected to answer the following key questions:

- Within the Lao context, what is the definition of children without parental care? How does this definition and understanding differ from international definitions, if at all?
- What is the legal and policy framework that protects children without parental care in Lao PDR?
- What is the approximate number of children estimated to be living without parental care in Lao PDR?
- Why are children living without parental care?
- Where are children without parental care living?
- How do children living without parental care enter the child and family welfare system or other existing formal systems (such as through referral)? What are the administrative and system wide processes that are followed and who approves the placement of children without parental care into alternate forms of care (e.g. in residential care, with extended or foster families, in boarding schools, temples, detention facilities and shelters)?
- What is the flow of information within and across sectors, including education and sports, public security, labour and social welfare?

The consultant will use the following key methods to collect information:

- Desk research – a literature review of existing laws, decrees, research papers and reports related to alternative care of children.
- Quantitative – collection of data recorded and reported by boarding schools (Ministry of Education and Sport), SOS Villages and orphanages (Ministry of Labour and Social Welfare), Ministry of Health (children abandoned at birth and children with disabilities) temples, village and district authorities etc.
- Qualitative – semi-structured interviews, focus group discussions and observation. The consultant will also promote the active participation of informants (including children, parents, community members, officials and others) to validate the assessment's findings and conduct causality and capacity gap analysis on key findings.

The following documentation may be consulted:

- Individual case records of children.
- Manuel for the Measurement of Indicators for Children in Formal Care, Better Care Network and UNICEF.
- Literature and studies on child rearing practices in Lao PDR and initiation rites that may influence how children are cared for by parents, extended family and communities.
- UNICEF staff trip reports.

The consultant will be expected to liaise directly with the Child Assistance Division, Social Welfare Department, Ministry of Labour and Social Welfare who will facilitate access to boarding schools, SOS Villages, orphanages etc.; International Non-governmental Organizations; the National University of Laos; and UNICEF. The consultant will also be expected to have indirect interaction with the Ministry of Education and Sports, the Ministry of Public Security, the Ministry of Health, SOS Children's Villages and the Lao Buddhist Association.

5. Duration

This consultancy will be completed over 40 working days over a four month period starting in June 2015, and will potentially require two trips to Lao PDR. The consultant will work in close collaboration with the UNICEF Child Protection Section.

6. Work Schedule / Deliverables

A tentative schedule for the consultancy with key deliverables is as follows:

Deliverable	Month 1	Month 2	Month 3	Month 4
1. Work plan and conceptual framework developed and finalised	X			
2. Literature review finalised	X	X		
3. Tools developed and field testing completed	X			
4. Comprehensive training for members of the research team conducted		X		
5. Interviews with key partners and fieldwork completed in two target provinces		X		
6. Validation of findings and fieldwork			X	
7. Submission of final report				X

7. Supervision

The consultant will work under the overall supervision of the Chief of Child Protection, Ms Kirsten Di Martino, and under the direct supervision of the Child Protection Officer, Ms. Phetviengkhone Sayasane.

8. Administrative Issues, including Consultant's Workplace and Official Travel involved

UNICEF will not provide a desk within the office or equipment for the consultant. Health insurance is required by the consultant.

UNICEF will provide international return airfare for an internationally recruited consultant. UNICEF will also provide DSA and transportation for field visits during the assignment. Translation and/or interpretation will be provided by UNICEF Lao PDR.

9. Education, Qualifications and Experience Required

- Advanced University degree in Social Sciences, such as social welfare, social work, or a related field;
- At least 10 years of experience in conducting analytical research using primary and secondary sources and participatory research approaches, including focus group discussions and key informant interviews;
- Excellent knowledge of children's rights, child protection, and social and child welfare systems. Familiarity with the systems building approach advocated for within UNICEF's Child Protection Strategy;
- Demonstrated expertise and familiarity with issues related to children without parental care and good knowledge of the UN Guidelines for the Alternative Care of Children;
- Experience working with governments, civil society and non-governmental organizations in developing countries in the East Asia and Pacific region;
- Excellent writing, analytical, organizational and communication skills. Fluency in written and spoken English essential.