

TERMS OF REFERENCE

Senior Legal Consultant to support our work on Justice With Children

ORGANISATIONAL CONTEXT

ECPAT International is a global network of organisations working together for the elimination of the sexual exploitation of children (SEC) in all its manifestations i.e. exploitation of children in prostitution, online child sexual exploitation, sale and trafficking of children for sexual purposes, sexual exploitation of children in travel and tourism and some forms of such as early and forced marriage. The ECPAT Network currently consists of 125 members working at national and local levels in 104 countries. Our strength lies in the diversity of our membership, collectively and individually working to address the issue. From large national coalitions to small grass-roots initiatives, we are committed to bringing together a broad range of expertise and perspectives to unravel the web that perpetuates this abuse.

The ECPAT International Secretariat coordinates the global work of the organisation and is based in Bangkok, Thailand. The Secretariat designs and implements global and regional level programmes, and undertakes programming, advocacy and research and facilitates a range of network initiatives.

JUSTICE AND SERVICES FOR CHILDREN AFFECTED BY SEXUAL EXPLOITATION & CHILDREN DISPLAYING HARMFUL BEHAVIOURS

Focusing on victims and their access to justice and legal remedies builds on a long experience of researching child victims of sexual exploitation and their experiences through the justice processes and more recently on projects implemented with ECPAT members across fourteen countries in Africa, Asia, Eastern Europe, Central Asia and Latin America¹ where barriers to accessing justice for child victims of sexual exploitation have been explored and documented.

ECPAT International would like to bank on this knowledge, the experiences of our members and the trends we are observing with, for instance, the increase of cases of child sexual abuse and exploitation perpetrated by peers, to capitalise on its experiences and further explore new areas to inform policy and programming. Specific angles of interest for this work include a gender lens to justice for children in line with our Global Boys Initiative programme; the role of technology in child sexual abuse and exploitation offences and the justice responses to these crimes; the context of access to justice for children exposed sexual exploitation from travelling offenders and cross border trafficking; and intersectionalities and exposure to various risks related to child sexual exploitation such as substance abuse.

¹ Bolivia, Cambodia, Kenya, Moldova, Nepal, Pakistan, South Africa, Uganda and Peru – Georgia, Kyrgyzstan, Kazakstán, Uzbekistan, Turkey

EXPECTED TASKS

- **Review and finalize the capitalization of knowledge and learning on justice with children victims of sexual exploitation:** based on the various projects conducted by ECPAT (and beyond) support the compilation of the knowledge and experiences into one learning and advocacy document focusing on main lessons learnt, but also promising practices which could be adapted to multiple countries, common gaps identified especially by survivors themselves, etc.
- **Conduct / lead a number of analyses** – in collaboration with Pro Bono Lawyers – on the following topics:
 - a. Children who display harmful sexual behaviours
 - i. Justice and child protection practices for preventing or responding to children who display harmful sexual behaviours – an overview of practices collected through desk-based research and 4 to 5 case studies based on interviews with key stakeholders leading these responses in identified countries.
 - ii. Profiles and pathways (also impacted by construction of gender norms and roles) to offending for children who display harmful sexual behaviours, based on literature review.
 - b. Disclosure / reporting and access to services for child victims of sexual exploitation and abuse: country reviews of existing practices to accessing services (requirement to report abuse to access certain types of services or vice versa)
 - c. Analysing the specificities of child sexual exploitation (vs child sexual abuse) - highlighting different drivers; different impacts on children; different strategies of offenders; different types of intervention required
 - d. Using legal analysis conducted in partnership with Baker McKenzie, develop a paper on child sexual exploitation and children in conflict with the law (justice -involved children for substance abuse, etc)
- **(To be confirmed) Lead or participate in 5 technical discussions and interviews** with experts and selected actors on justice for children affected by child sexual exploitation and/or children displaying harmful behaviours

DELIVERABLES

- Develop **five key position papers and policy briefs** based on topics of analysis above:
 - a. ECPAT's learnings on justice for children (10-15 pages position paper)
 - b. Children who display harmful sexual behaviours (10-15 pages scoping paper)
 - c. Four case studies (4 countries) on reporting and access to services.
 - d. Issue paper on child sexual exploitation vs child sexual abuse (10-15 pages)
 - e. Issue paper on child sexual exploitation and conflict with the law situation (10-15 pages)
- Provide recommendations for policy development and a roadmap for action on Justice for Children for ECPAT International

MODALITIES OF WORK

- This work requires independent and autonomous leadership on developing, reviewing and finalizing position papers.
- All the deliverables need to include a gender analysis with a particular focus on boys
- Regular coordination meetings will be set up with ECPAT International team and the consultant should plan for time to ensure proper consultation and integration of feedback in the development the deliverables.
- Expected timeframe for the delivery of the different outputs can be flexible and will be agreed upon with ECPAT International based on a workplan designed at the beginning of the consultancy and regularly reviewed. All outputs need to be finalized by end of December 2024.

It is expected that these assignments will take place **between April and December 2024**. The budget for this consultancy is USD 20,000 disbursed in different instalments.

CONSULTANT PROFILE

The consultant or (groups of consultants) need to have:

- Legal background.
- In-depth knowledge of child rights, access to justice, child protection and in particular sexual exploitation of children.
- Experience in developing secondary research papers and drafting policy recommendations.
- High ethical standards.

RESOURCES TO BE CONSIDERED WHEN DEVELOPING THE REPORTS (NOT EXCLUSIVE LIST)

- **Disrupting harm data insight** https://www.end-violence.org/sites/default/files/2022-05/DH-data-insight-3_Final.pdf
- Disrupting harm country reports (in particular chapters 3 of all reports include sections on access to justice and legal remedies) <https://www.end-violence.org/disrupting-harm#country-reports>
- Current Access to Justice national briefings (approximately 10 pages each) – to be shared by ECPAT in a staggered manner
- **Previous ECPAT access to Justice reports**
- https://ecpat.org/wp-content/uploads/2021/05/Access-to-Justice_LF-and-Insights-from-Professionals-in-the-Criminal-Justice-System_Moldova.pdf Report no. 1 on access to justice
- https://ecpat.org/wp-content/uploads/2021/05/Barriers-to-Compensation-for-Child_ebook.pdf Report no. 2 on access to compensation
- <https://ecpat.org/wp-content/uploads/2021/05/Access-to-Justice-Thematic-Report-Connecting-the-dots.pdf> Report no. 4 on recovery and reintegration
- https://ecpat.org/wp-content/uploads/2021/05/Access-to-Justice_LF-and-Insights-from-Professionals-in-the-Criminal-Justice-System_Moldova.pdf Report no. 5 on Moldova
- **Conversations with survivors:** [DH Survivors FINAL online.pdf \(ecpat.org\)](#)
- [Survivors' Perspectives - WeProtect Global Alliance](#)

- **Submission of compensation to victims**
- **ECPAT SECTT Legal Checklist**

ADDITIONAL INFORMATION

- This is a home-based position using their own equipment. The consultant(s) should be available for online calls including with different time zones in particular with Thailand where ECPAT International Secretariat is based.
- The Consultant is expected to act at all times in a manner consistent with the values of ECPAT International and in compliance with the organisation's policies and procedures including Child Safeguarding Policy and the Code of Conduct.

OUR COMMITMENTS

As ECPAT's International Secretariat we recognise that our strength lies in the diversity of the people who make up our global network, staff, volunteers and consultants. We are committed to being an inclusive workplace where people of all backgrounds and cultures can strive and be themselves. This means we will challenge ourselves to do better and to continue learning, to create and maintain a working environment steeped in respect, tolerance, safety, and where all parties are valued equally.

As a child-focused organisation, ECPAT has a strong commitment to child safeguarding and rigorous procedures. The successful candidate will be required to sign our 2 codes of conduct.

HOW TO APPLY:

Please send your CV detailing your relevant experience, in English, to vacancy@ecpat.org mentioning **Your name and "Senior Legal Consultant"** in the subject header: Due to the high volume of applications we receive, we are not able to respond to every application. If you have not heard back from us within 3 weeks from the deadline, it means that your application has not been successful.

Deadline: 1 April 2024 at 12p.m Bangkok time