

Annex B

TERMS OF REFERENCE (ToR)

Research and Monitoring Tools for Refugee Children on Alternative care and Guardianship in Bulgaria

- Background

The UN Refugee Agency (UNHCR) is entrusted by the United Nations General Assembly with the responsibility for assisting governments in seeking permanent solutions to the problems of refugees.¹

Bulgaria received almost 11,000 asylum applications from unaccompanied and separated children (UASC) since 2021, and ranks third in the EU in the overall number of applications by UASC. Due to limited resources and overwhelming, the Bulgaria's child protection case management system is not able to respond the high number of unaccompanied and separated children in line with their best interest. In January 2024, the amendments on the Law on Asylum and Refugees submitted to the Council of Ministers incorporates a UNHCR recommendation to provide a definition of separated children with a view of introducing protection measures for them.

UASC from Syria and other countries are accommodated in the "safe zones" located in the Registration and Reception Centers of the State Agency for Refugees until the completion of their legal procedures. However, due to the delay in their international protection and family reunification procedures and difficulties in finding longer term alternative accommodation options for the children, they end up staying in these emergency accommodation facilities for longer periods, for instance, until they turn 18. There is no solution for aging out children in a critical period of their lives.

Unaccompanied and separated children face significant protection risks due to the lack of awareness and support during the asylum process. They receive limited information about their rights, entitlements, and international protection procedures, and struggle to understand the procedures and questions asked in the interviews. This lack of awareness, challenges to their meaningful participation in the procedures and limited inclusion and integration opportunities aggravate their vulnerabilities to exploitation, discrimination, and arbitrary detention. Additionally, gaps in legal representation and support services further exacerbate their vulnerability, leaving them without proper guidance or advocacy during critical stages of the asylum process. Limited child-friendly procedures and support mechanisms increase the likelihood of negative outcomes, including rejections of asylum claims where international protection may have been merited, risk of prolonged detention

¹ Statute of the Office of the United Nations High Commissioner for Refugees, UN General Assembly Resolution 428(V), Annex, UN Doc. A/1775, para. 1, available at <https://www.unhcr.org/4d944e589.pdf> ("Statute").

due to lack of appropriate identification procedures, and risks of potential return to unsafe conditions.

Language barriers pose significant challenges for refugee children in accessing education and essential services in Bulgaria, impeding their ability to communicate with healthcare providers, social workers, and other service providers. Absence of adequate language support exacerbates their isolation and marginalization, leading to academic underachievement, social exclusion, and limited access to critical services such as healthcare, legal assistance, and psychosocial support. Language barriers compound existing protection risks and undermine the overall well-being and integration of refugee children in Bulgaria.

There is need to strengthen the identification and response systems for the protection of children at risk, guaranteeing their inclusion in national systems of protection, through the timely and effective identification of specific needs and referral pathways to multisectoral quality services. Efforts are being made to address these issues and to strengthen the national child protection system, including alternative care, mentorship and psychosocial support. However, these efforts need support on the part of the Government and the EU, and the need for a responsive social protection system tailored to the needs of child refugees in Bulgaria remains urgent. The State Agency for Refugees and the State Agency for Child Protection, in collaboration with UNHCR, are exploring opportunities to establish a national mechanism for response to the urgent protection needs of UASC in Bulgaria.

An important challenge is developing appropriate and alternative care solutions that meet the specific needs of UASC, aligning with international and European standards. Insufficient alternative care arrangements and limited inclusion of unaccompanied and separated children in the child protection system aggravate the risks facing UASC. The Law on Asylum and Refugees provides that unaccompanied children can be accommodated with relatives, foster families, in residential care services; however, there are no sufficient places in residential care facilities and no foster family program for UASC. The national social services' lack of administrative, residential, and financial capacity is a serious concern.

Boys accompanied by individuals declaring themselves as relatives are accommodated in reception centres together with adult men without screening or safeguarding measures. Most children eventually run away from the reception centres. While missing children can be reported to the police, there is no effective system to ensure tracing of children. Long and uncertain family reunification procedures mean that UASC can remain in the reception centres, including safe zones, for long periods of time.

The national child protection system needs to ensure UASC have effective and full access to safe, age and gender-appropriate care arrangements, to strengthen the family reunification procedure and to introduce the vocational education and training while supporting their personal development and integration. The development of foster care continues only as a project activity, without the existence of a long-term strategy and strategy for development which leads to a downward trend in the scope of foster care that has been observed over the last two years. Foster parents should be screened and provided with sufficient and comprehensive training, especially regarding children who have experienced violence, abuse and exploitation.

The legislation stipulates that UASC seeking international protection are assigned lawyers from the National Bureau for Legal Aid to represent them in legal and administrative procedures. While many lawyers have acquired significant experience and are able to discharge their duty to provide quality legal assistance and support to the children they represent, the quality of legal representation needs more support. Furthermore, the distinction between the role of the representatives of unaccompanied children and the social worker from the department of Child Protection appointed under the Law on Child Protection is not sufficiently delineated.

The legislation regulates the representation of children seeking international protection and does not explicitly provide for the appointment of representatives to children under Temporary Protection. Displaced children from Ukraine who arrive accompanied by relatives or other persons known to the child, provide a power of attorney or, in its absence, the accompanying adults sign a declaration that they will provide the necessary care. However, neither of these documents serves to address the issue of representation of the child from whom a child protection measure should be undertaken or a guardian be appointed under the Family Code. Absence of representation or guardians impede their access to rights, including school enrollment and healthcare.

As of date, the Law on Refugees does not distinguish between “unaccompanied” and “separated” children, resulting in children arriving without a parent or legal guardian being treated as accompanied by adults they are travelling with. Legislative amendments addressing these gaps have been proposed but not yet adopted. Legislative amendments promulgated in 2023 envisage the possibility of unaccompanied children to be appointed a guardian under the Family Code. Accordingly, a relative, close persons or other adults residing in the country legally may be appointed as a guardian of an unaccompanied foreign child, provided that an assessment has been made that they will take care of the child with a view to their best interests. In addition to relatives “other adults” residing in the country who have no relationship with the child can be appointed as guardians, except when deprived of parental rights or having been convicted of a serious crime. This appointment is an administrative measure and is not a subject to a judicial review. The impact of these provisions in relation to guardianship is yet to be assessed.

Aside from the financial pressure felt by their families and their sense of responsibility to provide support, most children worked to cover essential expenses such as personal hygiene and food of good quality which lacked in the reception centers. Children also need more educational activities and opportunities to engage in sports and cultural activities. Providing for the basic needs of children and giving them educational opportunities, social assistance and extracurricular activities would enable them to refrain from working and allow them to focus on their personal development, education, and integration into Bulgarian society.

In view of the above, UNHCR is looking for a national service provider to offer the below services to asylum seeking, refugee, stateless children and children at risk of statelessness in Bulgaria, in line with its [child protection policy](#) and [guidance](#), including the [Ukraine regional Refugee Response Plan \(RRP\) 2024](#) and related documents.

II. Overall Objective of the Assignment

The overall objective of the assignment is to support [the national child protection system to ensure refugee children have access to](#) alternative care arrangements and guardianship. This includes localisation of training programmes including child protection monitoring tools for alternative care and guardianship. The aim is to support local and national child protection stockholders, with the goal to foster the implementation of the national child protection strategy, including alternative care and guardianship.

III. Specific Tasks

The services and deliverables under this request will support the national child protection system, to ensure that support and services are available to all children under UNHCR mandate.

Conduct **action-oriented research and assessment** to identify the gaps and opportunities in alternative care and guardianship for asylum seeking and refugee children in Bulgaria.

Design and deliver the **alternative care and legal guardianship training package** and **monitoring toolkit** aligned with UNHCR and European standards.

IV. Activities

Activity 1: Action-oriented research

Research and assessment at field level, through field visits, conducting group discussions, key informant interviews, and bilateral meetings with actors involved in child protection sector, to address the critical aspects related to alternative care and guardianship for unaccompanied and separated children.

The detailed breakdown on the types and number of field visits are as below:

Activity	Target	Type of Groups
Focus Group Discussions with refugee community	10 Group Sessions	5 with men 5 with women
Focus Group Discussions with host community	10 Group sessions	5 with men 5 with women
Key Informant Interviews with State Institutions	10 different actors	All relevant institutions involved in planning and implementation of national

		child protection system in Bulgaria.
Bilateral meetings with non-state actors working on alternative care and guardianship	10 different organizations	

Following the in-depth action -oriented research, the supplier is expected to submit a **detailed Assessment report on** protection and risk mitigation in response to unaccompanied refugee children in Bulgaria from arrival with a view to identify gaps and opportunities with regards to alternative care and legal guardianship. The purpose is to support legal and institutional change through multi-stakeholder evidence regarding alternative care and legal guardianship in Bulgaria. The report to consist of the following chapters:

Summary (max 2,500 words): A summary chapter, summarizing the gaps, existing minimum standards, and recommendations.

Section One (max 2,500 words): To conduct a stakeholder analysis of alternative care and guardianship in Bulgaria and their main role and responsibilities.

Section Two (max 5,000 words): A detailed gap analysis, identifying gaps and opportunities in the national guardianship system for asylum-seeking and refugee children in Bulgaria.

Section Three (max 3,500 words): A comprehensive review of applicable standards and safeguards for alternative care and guardianship programs in Bulgaria.

Chapter Five (max 3,000 words): A set of actionable recommendations based on the gap analysis and to propose improvements aligning with international and European standards.

Activity 2: Development of monitoring toolkit

Develop contextualised monitoring toolkit for alternative care arrangements and legal guardianship, aiming at supporting social care workers involved in the protection of unaccompanied and separated children. The tools should be developed in coordination with the stakeholders and UNHCR. The aim is the monitoring toolkit to be able to be digitalized (using Kobo form) user-friendly and follow UNHCR and European standards.

- The monitoring toolkit for social care providers and legal guardians should be user-friendly and aligned with UNHCR and EU standards.
- The monitoring toolkit should be based on set of indicators of provision of social care and legal guardianship in line with applicable standards and with the best interest of the child. The monitoring toolkit should also allow the monitor to provide tailored support to the legal guardian.

- The monitoring toolkit should also include protocols guiding care providers and guardians on how to fulfill their duties, and prevent abuse, neglect, or exploitation, which form the baseline of monitoring in a transparent manner.

Activity 3: Develop and deliver 2 (two) one-day workshops to validate and operationalise the tool(s) developed.

The specific tasks for conducting the workshop are:

- Preparation of the agenda, invitations and all necessary preparatory documents for the workshop.
- Creation of a work plan to facilitate the workshop in coordination and approval from UNHCR Protection Unit.
- Prepare participants list, invite, coordinate with them and facilitate the entire workshops.
- Develop a short report on the outcome of the workshop.
- At the end of the workshops, the toolkit will be signed and verified by the technical governmental and non-governmental stakeholders.

The service provider is expected to organize and deliver the entire workshop. Including preparatory materials, identifying and inviting participants, deliver and facilitate the workshop and etc.

UNHCR will complement the workshop and cover the logistical organization by identifying and covering financially the venue, technical equipment, translation and catering if needed.

Activity 4: Design a comprehensive guidance and training package on legal guardianship including tools for recruitment, screening, and training.

This should include adopting available training content, user guidance, and evaluation tools following UNHCR guidelines and European standards.

The training package should consist of the below:

- Objectives: Clearly defined goals of the training.
- Guiding Principles: The child's rights; Best Interests of the Child; Principles of guardianship
- Optional protocols guiding care providers and guardians on how to fulfill their duties in line with the national law, and prevent abuse, neglect, or exploitation.
- Understanding displaced children and their developmental needs.
- Soft skills to support child development, including during adolescence.
- Language and Format: Use of clear, simple language and various formats (e.g., printed materials, online modules) to ensure accessibility for all users.

Activity 5: Deliver a one-day training of up to 20 legal guardians and/or social care workers selected by UNHCR and other relevant stakeholders.

The main tasks are:

- Development of the agenda, learning plan and learning materials for the training on the proposed topic.
- Prepare invitations, participants list, coordinate with the participants.
- Organize, facilitate and deliver the entire training.
- Develop a short report of the training including feedback from the participants.

The service provider is expected to organize and deliver the entire training. Including preparatory materials, identifying and inviting participants, deliver and facilitate the training and etc.

UNHCR will complement the training and cover the logistical organization by identifying and covering financially the venue, technical equipment, translation and catering if needed.

V. Expected Deliverables

- Conduct action-oriented research - deliver plan/schedule proposal for conducting the research, transcripts, list of participants and other supporting materials.
- Detailed Assessment report.
- Development of monitoring toolkit.
- Develop and deliver 2 (two) one-day workshops to validate and operationalize the tool(s) developed.
- A comprehensive guidance and training package on legal guardianship including tools for recruitment, screening, and training.
- Deliver minimum one one-day training of up to 20 legal guardians and/or social care workers selected by UNHCR and other relevant stakeholders.

VI. Profile of the Service Provider

The following experience and qualifications are required:

Expertise and Experience:

- Experience in engaging with government and nongovernment stakeholders for research and assessment.
- Familiarity with the refugee situation in Bulgaria.
- In-depth knowledge of the Bulgarian child protection system and relevant legislation.

- Understanding of international standards (UNHCR, EU) and national laws on child welfare, alternative care, and guardianship.
- Analyzing legislation, proposing reforms, and navigating legal frameworks.
- Monitoring project progress, managing resources, and ensuring timely implementation.
- Child protection principles, including risk assessment, case management, and safeguarding.
- Collaborating with UN agencies or international organizations.
- Experience in Conducting comprehensive needs assessments.
- Reviewing and adapting tools to the local context.
- Developing user-friendly tools and comprehensive guidance packages aligned with UNHCR and EU standards.
- Facilitating coordination among child protection actors and working groups.

Evaluation of the proposals will be based on an evaluation of a technical and financial offer. Enclosed is the technical evaluation form. Please provide evidence for each of the technical requirements: company profile and portfolio, list of references of successfully conducted projects/activities/assessments/ tools as per the requirements and detailed overview of your work.

VII. Monitoring and Evaluation of the Assignment

The selected provider will work under the direct supervision of the UNHCR Senior Protection Officer

Continuous: Supporting UNHCR partners as planned within an agreed workplan with SoPs to ensure response, risk mitigation and prevention of child protection violations (of children under UNHCR mandate) in line with the national legal framework and Bulgaria's relevant international/European obligations and best practices.

Approved by: