

## I. TECHNICAL SPECIFICATIONS

### 1. INTRODUCTION

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. Notably, Article 3(3) of the Treaty on European Union explicitly requires the EU to promote the protection of the rights of the child. The rights of the child are furthermore enshrined in the Charter of Fundamental Rights of the European Union. Article 24 of the Charter recognises that children are independent and autonomous holders of rights. It also makes the child's best interests a primary consideration for public authorities and private institutions.

This study will support the implementation of the Commission Communication of 15 February 2011 "An EU Agenda for the Rights of the Child"<sup>1</sup>, [COM(2011)60 final], hereafter referred to as "the EU Agenda". The EU Agenda points to a significant lack of reliable, comparable, and official data on the situation of children in the Member States. This is a serious obstacle to the development and implementation of evidence-based policies and particularly evident in the context of child friendly justice and the protection of children in vulnerable situations.

Several initiatives are underway in various sectors to improve the availability of data on children. The subject of this specific call for tender is children in judicial proceedings.

#### 1.1. CHILDREN'S INVOLVEMENT IN THE JUSTICE SYSTEM AND CHILD-FRIENDLY JUSTICE

Children<sup>2</sup> encounter justice systems in many ways. They may be involved when their parents disagree over custody, when they are placed in care, when they inherit property or when their consumer rights are breached. As regards criminal law they can be accused of criminal offences, become victims of crime, witness crime, or claim compensation for a crime they were a victim of. In the context of administrative law, they may seek asylum, be subject to school disciplinary measures (e.g. suspensions and expulsions), or deprived of liberty for mental health reasons, etc.

When they become involved in judicial proceedings children can be subject to manifold restrictions of their rights. They can be prevented from having access to court and to judicial process, be deprived of the information necessary to exercise their rights or defend their interests, or this information can be provided in a manner that is not understandable to them. They can be deprived **of their right to be heard**, which – when exercised – allows their views to be taken into account on matters that concern them. They can be treated like adults without being afforded specific safeguards in accordance with their needs and vulnerability.

#### 1.2. EU POLICY CONTEXT

Making the justice system more child-friendly in Europe is a key action under the EU Agenda. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation.

<sup>1</sup> EU Agenda for the rights of the child: [http://ec.europa.eu/justice/policies/children/docs/com\\_2011\\_60\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf)

<sup>2</sup> In accordance with Article 1 of the United Nations Convention on the rights of the Child (UNCRC) the term "child" applies to every human being below the age of 18 years. The full text of the Convention is available at <http://www2.ohchr.org/english/law/crc.htm>

## 2. OBJECTIVE OF THE STUDY

The objective of the study is to establish **statistics and collect data based on structural, process and outcome<sup>3</sup> indicators on children involved in criminal, civil and administrative judicial proceedings for the years 2008-2010 (and 2011 if available) for all 27 EU Member States** in order to provide a **statistical and narrative overview of children's involvement in judicial proceedings in the EU.**

## 3. STRATEGIC REQUIREMENTS

**REQ1.** The study will establish **statistics based on structural, process and outcome indicators on children involved in criminal, civil and administrative judicial proceedings for the years 2008-2010 (and 2011 if available) for all 27 EU Member States.**

**REQ2.** The study results must be user-friendly and multi-functional, proofread prior to delivery and written in clear, concise, professional-level English. Study outputs will be designed in such a way as to make it possible for users to filter results according to their needs: for example by Member State/by area of justice/by age/by indicator/by type of indicator (structural/process/outcome)/by year, etc. The **steering group** will be consulted on needs.

**REQ3.** When looking at the criminal justice system, the Contractor will differentiate between children as offenders/perpetrators/accused (**juvenile justice**) and children who are victims, witnesses and/or parties to criminal justice processes.

**REQ4.** In developing indicators the Contractor will differentiate between children in juvenile justice and the child-friendliness of the general justice system (criminal, civil, administrative) and the degree to which it is child-sensitive.

**REQ5.** While the development of suitable indicators is key, the **main focus of the work is to ensure that the indicators selected are populated with data in order to support evidence-based policies.**

**REQ6.** The source of the data must also be clearly indicated, as this will help define the micro or meta data needed to build the indicator.

**REQ7.** Prior to defining indicators and collecting data, the contractor is required to provide a **contextual narrative overview per Member State describing the situation as at 1 June 2012 (and summarised for the EU as a whole)** with regard to children's involvement in judicial proceedings. This overview will describe when and how children are involved *before, during and after* judicial proceedings and will help to ensure that data can be interpreted correctly.

**REQ8.** When developing indicators, gathering data and providing the contextual overview, the Contractor will differentiate between the **differing roles or situations** of children in judicial proceedings. When looking at the criminal justice system, the Contractor will differentiate between children as offenders/perpetrators/accused (**juvenile justice**) and children who are victims (delineating the varying roles that a victim may have in a particular Member State such as civil claimant, civil party, private prosecutor), witnesses and/or parties to criminal justice proceedings. When looking at civil or administrative judicial proceedings a child can be a party, a witness, claimant, plaintiff, etc.

**REQ9.** Each indicator must include a clearly worded definition, a well-defined numerator and a well-defined denominator.

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<sup>3</sup> For the purposes of this study, we will differentiate between administrative/national statistics to be compiled by the Contractor and the qualitative/survey data to be collected by FRA. The administrative/national statistics will yield information, say, how many children are affected by the structural and process measures in place. The FRA is engaged in work concerning the collection of data regarding the outcomes for and impact on children (see Section Complementary work on outcome indicators).

- REQ10.** Data must be disaggregated insofar as possible, in particular for age, gender, nationality, geographical location (so that any regional disparities can be identified) and socio-economic situation.
- REQ11.** The contextual overview and presentation of data will clearly distinguish between criminal, civil and administrative judicial proceedings. More concretely, involvement of children in criminal proceedings will be also disaggregated according to the age and type of offence. As regards civil and administrative judicial proceedings, data must be disaggregated also according to the relevant legal subjects applicable to the case (e.g. family law, contract law, consumer law, migration law, asylum law, succession law, etc.). The **steering group** (see REQ.40) will select the relevant classification based on proposals by the Contractor.
- REQ12.** Taking into account different notions of what constitutes judicial proceedings in the Member States, for the purposes of this study, the term judicial proceedings encompasses: criminal proceedings from the moment a crime is reported and/or investigated, prosecution, trial and post-trial phases; civil judicial proceedings including conditions of access to court and judicial process; administrative judicial proceedings including the conditions of access to an effective judicial remedy against an administrative decision.
- REQ13.** Throughout the execution of this contract, the Contractor is required to focus on quality in particular with regard to relevance, accuracy, timeliness and punctuality, accessibility and clarity, comparability and coherence.
- REQ14.** While the overall time-span for the study will be 24 months, the Contractor will be required to **deliver the results for criminal justice proceedings and juvenile justice within six months** of the signature of the Contract by the last of the two parties. Results for civil and administrative justice may be staggered or delivered together later on in the study. This means that various deliverables will have to be staggered, e.g. contextual overview, master indicators, etc.
- REQ15. Data protection:** The Contractor will ensure that data collected and processed is in full compliance with applicable national and EU data protection laws. The Contractor shall pay particular attention to the sensitive nature of data related to children and ensure that in the context of this study identification of any individual child is not possible. The Contractor shall provide the Commission exclusively with aggregated statistical data regarding, for example, the number of cases, number of children concerned, number of situations, etc. The Contractor shall ensure that the information it provides to the Commission does not allow it in any manner to identify or trace individuals whose personal data have been processed by the Contractor for the performance of the study. If, during the execution of this study, the Contractor has access to or processes any personal data, the Contractor shall destroy any personal data processed for the performance of this contract after the Commission has approved the final report. The Contractor may only retain statistical information which will not allow the identification of the individuals whose data is processed in any way.

#### 4. INTERNATIONAL STANDARDS FOR CHILD-FRIENDLY JUSTICE TO BE TAKEN INTO ACCOUNT

- REQ16.** International organisations have defined standards aimed at adapting justice systems to the needs of children. In accordance with the **UN Convention on the Rights of the Child**, particular attention must be paid to the respect of the principles of non-discrimination, best interests of the child, the child's right to life, survival and development and respect for the views of the child. The Convention also provides concrete safeguards related to preservation of identity, separation from parents, detention and punishment, and juvenile justice. **The standards referred to in Section 4 must be taken into account in the execution of this study.**

#### 4.1. UN CRC GENERAL COMMENTS

The UN Committee on the rights of the child General Comment No 10 (2007)<sup>4</sup> on children's rights in juvenile justice provides guidance and recommendations for State parties to the Convention for the content of a comprehensive juvenile justice policy.

The UN Committee on the rights of the child General Comment No 12 (2009)<sup>5</sup> on the rights of the child to be heard.

The UN Committee on the rights of the child General Comment No 13 (2011)<sup>6</sup> on the right of the child to freedom from all forms of violence.

#### 4.2. UN STANDARDS

- The United Nations Standard minimum rules for the administration of juvenile justice ("the **Beijing Rules**", 1985)<sup>7</sup>
- The United Nations Rules for the protection of juveniles deprived of their liberty ("the **Havana Rules**", 1990)<sup>8</sup>
- The United Nations Minimum rules for non-custodial measures ("the **Tokyo Rules**", 1990)<sup>9</sup>
- The United Nations Guidelines for the prevent of juvenile delinquency ("the **Riyadh Guidelines**", 1990)<sup>10</sup>
- The United Nations guidelines on the administration of juvenile justice ("the **Vienna Guidelines**", 1997), ECOSOC Resolution 1997/30<sup>11</sup>
- The United Nations Basic principles on the use of restorative justice programmes in criminal matters, ECOSOC Resolution 2002/12 (2002)<sup>12</sup>
- The United Nations Guidelines on justice in matters involving child victims and witnesses of crime (2005)<sup>13</sup>. UNICEF and UNODC developed a series of tools to facilitate the implementation of these guidelines: a model law; an implementation handbook; a training package and child-friendly versions of the Guidelines<sup>14</sup>

<sup>4</sup>UN CRC Committee on the rights of the child General Comment No 10 (2007):

<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

<sup>5</sup> UN CRC Committee on the rights of the child General Comment No 12 (2009) on the right to be heard:

<http://www2.ohchr.org/english/bodies/crc/comments.htm>

<sup>6</sup> UN CRC Committee on the rights of the child General Comment No 13 (2011) on the right of the child to freedom from all forms of violence: <http://www2.ohchr.org/english/bodies/crc/comments.htm>

<sup>7</sup> The Beijing Rules: <http://www2.ohchr.org/english/law/pdf/beijingrules.pdf>

<sup>8</sup> The Havana Rules: [http://www2.ohchr.org/english/law/pdf/res45\\_113.pdf](http://www2.ohchr.org/english/law/pdf/res45_113.pdf)

<sup>9</sup> UN Tokyo Rules: <http://www2.ohchr.org/english/law/tokyorules.htm>

<sup>10</sup> The Riyadh Guidelines: <http://www2.ohchr.org/english/law/juvenile.htm>

<sup>11</sup> The Vienna guidelines: <http://www.un.org/documents/ecosoc/res/1997/eres1997-30.htm>

<sup>12</sup> UN basic principles restorative justice: <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

<sup>13</sup> UN Guidelines on justice in matters involving child victims and witnesses of crime:

[http://www.unodc.org/documents/justice-and-prison-reform/Justice\\_in\\_matters...pdf](http://www.unodc.org/documents/justice-and-prison-reform/Justice_in_matters...pdf)

<sup>14</sup> UNICEF and UNODC tools: <http://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside>

### 4.3. THE COUNCIL OF EUROPE

Council of Europe **Recommendation No 11 on the European rules of juvenile offenders subject to sanctions and measures (2008)**<sup>15</sup>

Council of Europe Annual penal statistics **SPACE I** and **SPACE II**<sup>16</sup>.

The **Council of Europe's Guidelines on child-friendly justice**<sup>17</sup> aim to ensure that – whenever children are brought into contact with all competent bodies and services involved in implementing criminal, civil or administrative law – all rights of children (including the right to information, to representation, to participation and to protection) are fully respected.

For the purposes of this study, the definition of child-friendly justice in the Council of Europe guidelines applies<sup>18</sup> when looking at structures, processes and procedures.

It describes key factors that render justice systems child-friendly, to include:

- Decisions should be made about children in a way that **respects their rights**.
- The **child's age and needs** should always be taken into account, and his/her **privacy respected**.
- Children have the **right to be heard** in decisions that affect them.
- Children and their parents should be given **information about the child's right** to be treated fairly and properly.
- Everyone **working with children should receive training** on children's rights, on how to talk to children and on the needs of children and a **multidisciplinary approach** is strongly encouraged.
- **Special rules** should apply **when children break the law**. They should be respected by the police.
- The organisation of the proceedings in a **child-friendly environment and using child-friendly language**.
- **In all proceedings involving children**, the **urgency** principle should be applied to provide a speedy response and protect the best interests of the child, while respecting the rule of law.

### 4.4. EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

Opinion of the **European Economic and Social Committee** on the "**Prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union**", (2006)<sup>19</sup>.

<sup>15</sup> Council of Europe Recommendation No 11: <https://wcd.coe.int/ViewDoc.jsp?id=1367113&Site=CM>

<sup>16</sup> Council of Europe annual penal statistics SPACE I and SPACE II: <http://www3.unil.ch/wpmu/space/> Since 1983 SPACE I aims to present comparable data on the populations of penal institutions within all the Member States of the Council of Europe. Since 1992, SPACE II collects data on persons serving non-custodial and semi-custodial sanctions and measures.

<sup>17</sup> Adopted by the Council of Europe on 17 November 2010:  
[http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20\\_4\\_.pdf](http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf)

<sup>18</sup> "Child-friendly justice refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child's level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity."

<sup>19</sup> EESC Opinion 2006: [http://www.transnazionalita.it/file/dictamen\\_prevention\\_en.pdf](http://www.transnazionalita.it/file/dictamen_prevention_en.pdf)

## 5. THE CONTEXTUAL OVERVIEW AS AT 1.6.2012

**REQ17.** The Contractor will draw up a holistic contextual overview per Member State so that data users can better understand and interpret the data. The overview will take the form of a narrative overview, apart from summary tables or tables providing key figures to make information more easily accessible. The overview will describe what the justice system looks like insofar as children's involvement is concerned and will identify strengths and potential gaps.

**REQ18.** The **Council of Europe Guidelines (Guideline No 1 through to Guideline No 148) on child-friendly justice** serve as the terms of reference for the overview, and the Contractor is required to propose an appropriate structure to the **steering group**, taking into account the need to cover the legal and policy framework; institutions and services, the roles and situations of children in administrative, civil and criminal justice; before, during and after judicial proceedings; the form and duration of their involvement; aspects of child participation and the right to be heard (Article 12 UNCRC).

**REQ19.** The following aspects must also be addressed in the contextual overview:

- the upper age limit for juvenile justice;
- a description of what happens after the age of 18 is reached: whether young adults can complete their measures within the juvenile system if they have committed an offence as a child or if they are directly transferred to adult systems;
- when looking at **various diversion measures** (responding to offences, for example minor offences/misbehaviour/so-called status offences such as truancy, runaways) outside the use of habitual criminal measures and the court system), the Contractor will describe the conditions under which they can apply and their impact if any on criminal records (i.e. whether they constitute diversion from criminal justice or more properly diversion from court)
- support measures and mechanisms for **child victims and witnesses**, etc. (e.g. for civil and administrative law particular, attention shall be devoted to the existing mechanisms and structures for child protection and custody, legal guardianship, structures providing advice and support regarding access to complaint, legal appeal, or judicial review mechanisms).

**REQ20.** The Contractor will bear in mind that work on criminal justice and juvenile justice must be delivered first and will therefore need to design the narrative overview accordingly.

**REQ21.** The Contractor will ensure that the overview makes it clear which rules, practices and processes derive from national law, as opposed to practices and procedures otherwise in place.

**REQ22.** The Contractor is required to document national specificities in the contextual overview, e.g. where it is national policy to avoid judicial proceedings, for example in the context of custody or maintenance cases.

**REQ23.** The Member State overview will include a table of key figures per Member State indicating for example the child population as a proportion of the overall population, and the number of child offenders/victims/witnesses/parties as a proportion of the overall number, etc. The purpose is to provide quick access in a reference table to key figures.

**REQ24.** The EU contextual overview summary will include appropriate tables.

## 6. STRUCTURAL, PROCESS AND OUTCOME INDICATORS<sup>20</sup>

**REQ25.** The Contractor is required to develop appropriate structural, process and outcome indicators in line with the objectives of the study and in consultation with the various stakeholders.

**REQ26.** In general, indicators must reflect obligations to respect, protect and fulfil children's rights. Structural indicators must measure whether standards are implemented or not and what are the current trends/evolution in the context of children's involvement in judicial proceedings.

**REQ27.** The Contractor is required to establish structural indicators that will address the legal, budgetary and policy context in Member States and take account of legal instruments and institutional mechanisms. Structural indicators must also cover policy frameworks and strategies relevant to various rights.

**REQ28.** The Contractor is required to establish process indicators that reflect how the legal and political measures are translated into practice, and explain their causal link to the effect on the child-friendly justice shown by the output and outcome indicators, bearing in mind that not all laws are in perfect accordance with international standards. The process indicators must measure whether children's rights are taken into consideration: the right to privacy, access to personal data and criminal records, etc.

**REQ29.** The Contractor is required to establish outcome indicators that show the results of the measures identified for the process indicators and that provide a basis for identifying their effectiveness, best practices and potential areas of improvement. This third group of indicators looks at the **effect of measures on children**. Some can be quantified and could/should be available in national statistics while others are not part of the routine data collection system of NSOs and require surveys in order to be assessed. These should be included in the FRA's work and the **steering group** will play a key role in delineating these two dimensions.

**REQ30.** In the light of the objectives, the background information and data sources, the Contractor will review existing indicators available in the Member States and identify a draft comprehensive master list of indicators for consideration for this study.

**REQ31.** The draft master list of potential indicators will be reviewed by relevant stakeholders (**steering group**, Member State authorities, other stakeholders) to select a master list of indicators for data collection, for example taking account of potential data proxies.

**REQ32.** Once appropriate indicators have been defined and agreed on, the contractor will **collect the data and metadata and populate the master list of indicators for children's involvement in judicial proceedings**.

## 7. DATA COLLECTION

**REQ33.** As indicated under the section on [Strategic requirements above](#), the result of the study must be data based on indicators, to better support future evidence-based policymaking.

**REQ34.** As concrete examples, the results of the study should provide **general statistics on the number of child victims and perpetrators involved in criminal justice proceedings, as compared to the overall number of victims and perpetrators, and as compared to the overall number of children per Member State; the number of children dealt with under diversionary measures,**

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<sup>20</sup> Extract from OHCHR website: The framework recommends the development of *structural*, *process* and *outcome* indicators. This configuration of indicators should help assess the steps being taken by States in addressing their obligations – from commitments and acceptance of international human rights standards (*structural* indicators) to efforts being made to meet the obligations that flow from the standards (*process* indicators) and on to the results of those efforts (*outcome* indicators).

**the number of convicted children, the nature of sanctions imposed on convicted children, the number of children seeking judicial remedy of administrative decisions, the number of children heard in civil judicial proceedings vis-à-vis the number of children involved in them, the number of children heard within judicial proceedings on the asylum request, etc.**

**REQ35.** Throughout the execution of this contract, the Contractor must bear in mind that the results of this work must be **sustainable**, in that they must provide a **credible and solid baseline on which future data collection work and statistics can be built** so as to ensure that, should **Member States**<sup>21</sup> expressly decide to do so at any stage in the future, appropriate data and indicators for children in the justice system can be made available.

## 8. COMPLEMENTARY WORK ON OUTCOME INDICATORS

The Contractor should be aware that complementary work will also be underway on the development of **outcome indicators** for children's involvement in judicial proceedings. This work will be carried out by the **EU Agency for Fundamental Rights (FRA)**. The FRA will assess the **actual experience on the ground** in a specific area focusing on qualitative aspects, through field research (interviews and focus groups with legal and social professionals) to identify what is or is not implemented and how, and to assess impact, good practices, difficulties and gaps, to include different perspectives, to assess usage of guidelines and child-friendly procedures, etc. At some stage in the future, the FRA may also consult children themselves.

**REQ36.** While the FRA work outlined above is **out of scope of this study**, the work is linked and the Contractor will be required to liaise with FRA to ensure that the two initiatives dovetail and to take note of the fact that the FRA will participate in the **steering group**.

**REQ37.** The Contractor will also need to be aware that various separate data collection initiatives may be underway for specific areas covered by this study (e.g. data collection on children who are victims of trafficking or unaccompanied minors, etc.).

**REQ38.** With regard to the TransMONEE database, the Contractor will also need to be aware that UNICEF is currently assessing the possibility of collecting new juvenile justice indicators or including new levels of disaggregation of existing indicators, which should lead to changes in their data collection from next year onwards.

## 9. COLLABORATION WITH STAKEHOLDERS

**REQ39.** The Contractor should be aware that data for an individual Member State may derive from multiple sources. In the UK, for example, jurisdictions and justice systems differ for England and Wales, Scotland and Northern Ireland. These differences affect data definitions and collection and there are crucial differences in the justice system itself, e.g. in the classification of crimes or in differing Minimum Age of Criminal Responsibility (MACR) (Scotland: 8, England and Wales: 10), etc. For health and education, the Welsh system may differ from that of England. The Contractor may be required to collect data from several addressees per Member State.

**REQ40.** A **steering group** will be set up by the Commission, to include key partners and experts in the area of child-friendly justice such as FRA, UNICEF (TransMONEE), the Council of Europe, UNODC, one or more academic experts, 1-2 representatives of NGOs and of administrations in charge of dealing with justice for children, relevant Commission services, etc. The steering group's mandate is to ensure that relevant knowledge and expertise within the remit of the steering group is made

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<sup>21</sup> Member State cooperation and contributions to this study do not constitute agreement to collect and provide such data in the future. Their cooperation in the present study is at their discretion and does not constitute any long term commitment. However, the Commission expects that as a result of the study data collection can be improved in the future.

available to the Contractor in good time, to advise the Commission as contracting party in taking informed key decisions and to steer the work in order to ensure that the contractual requirements can be fulfilled. The Contractor will therefore be required to participate in steering group meetings and to take account of it in elaborating the project methodology. The steering group will meet every 2 months in Brussels at the Commission's premises.

- REQ41.** As the aim of this study is to collect data and establish indicators covering all Member States, collaboration with and consultation of relevant stakeholders is of critical importance. Member State National Statistics Offices (NSOs) and relevant ministries will be consulted throughout the study, as well as other stakeholders (international organisations, FRA, UNICEF, civil society, ombudspersons, etc.).
- REQ42.** The Contractor will consult Member States regularly and bilaterally during the execution of this study. The Contractor will be required to take due account of Member State comments on the factual accuracy of the results with regard to official Member State data, and where relevant to adjust the results. Where Member State comments cannot be taken into account, this will be recorded and justified by the Contractor.
- REQ43.** Furthermore, at key milestones of the study the Commission will convene round table expert meetings (EU-27) in order to validate the approach and findings.
- REQ44.** The Contractor is required to take due account of stakeholder consultations in elaborating a methodology, defining milestones, establishing the project team and disciplines, establishing a project schedule, etc.

## 10. ESSENTIAL BACKGROUND INFORMATION AND REFERENCE DOCUMENTS

- REQ45.** The indicators and data contained in existing databases and reports, such as the **TransMONEE**<sup>22</sup> database of UNICEF, focusing on the area of criminal justice, and other sources such as the UN CRC country reports must be taken into consideration as a starting point.
- REQ46.** In the context of juvenile justice, the baseline set of relevant indicators to be taken on board are the **11 UNICEF Juvenile justice Indicators**<sup>23</sup> focusing on quantity.
- REQ47.** Further detailing of these indicators, such as those developed by the **International Juvenile Justice Observatory (IJJO)**<sup>24</sup> must be explored insofar as possible. Their study "**Juvenile justice indicators for Europe: how to measure juvenile justice**" (2009)<sup>25</sup> is a valuable reference tool for the current study.
- REQ48.** The recent IJJO publication "**Measures of deprivation of liberty for young offenders: how to enrich international standards in juvenile justice and promote alternatives to detention in Europe?**"<sup>26</sup> must also be taken into account.

<sup>22</sup> Particular data of interest there are the following crime indicators amongst others under Heading 9 of the database: Registered crimes against children; Crimes committed by or with juveniles; Registered juvenile offenders (by gender); Juveniles sentenced for criminal activities (by gender); Juveniles placed in correctional/educational/punitive institutions

<sup>23</sup> [http://www.unodc.org/pdf/criminal\\_justice/06-55616\\_ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf)

<sup>24</sup> IJJO: "Juvenile Justice Indicators for Europe: How to Measure Juvenile Justice" 2009

<sup>25</sup> IJJO 2009 study: <http://www.oijj.org/index.php?alias=proyectos&cod=7&rel=SI&idioma=en>

<sup>26</sup> IJJO Green Paper on Child-Friendly Justice- IJJO – U. Kilkely (2011).:

[http://www.oijj.org/index.php?alias=documental\\_ficha&cod=9675&home=SI&idioma=en](http://www.oijj.org/index.php?alias=documental_ficha&cod=9675&home=SI&idioma=en)

- REQ49.** The European Agency for Fundamental Rights (FRA) developed indicators for the protection, respect and promotion of the rights of the child in the European Union. Some of the indicators proposed therein concern administrative, civil and criminal justice.
- REQ50.** Similarly in civil justice and administrative justice, recognized existing data and indicators must serve as a starting point.
- REQ51.** Some Member States may include relevant indicators in "state of the nation's children" type reports and indicators and national court reports/statistics and these should also be reviewed by the Contractor.
- REQ52.** The background paper on data collection<sup>27</sup> tabled at the 2011 EU Forum on children's rights provides some background information on the scope of this contract and gives some basic examples of what type of data should be available as a result.
- REQ53.** The Contractor will take due account of existing manuals and standards for data collection and statistics such as the **Eurostat Handbook** on data quality assessment methods and tools<sup>28</sup>, the **UN Manual** for the development of a system of criminal justice statistics<sup>29</sup> and the **European sourcebook of crime and criminal justice statistics**<sup>30</sup>.
- REQ54.** The Contractor will take account of Eurostat's latest publication based on police-reported crime up to end 2009<sup>31</sup> and the UNODC crime trend statistics<sup>32</sup>.
- REQ55.** The Contractor will consider the usefulness of the offence and penalty tables set out in Annexes A and B to Council Decision 2009/316/JHA establishing the European Criminal Records Information System (ECRIS), as Member States have already agreed to this common categorisation<sup>33 34</sup> in the context of ECRIS.
- REQ56.** The documents mentioned in the Section [Introduction](#) above also comprise essential background information and reference documents.

## 11. SOURCES TO BE USED FOR MEMBER STATE DATA

- REQ57.** The first part of call for data-sourcing by the Contractor will be the national bodies responsible (National Statistical Offices (NSOs)<sup>35</sup>, other national authorities or agencies appointed by the state or region to carry out such tasks (e.g. Ministry for Justice, Ministry of the Interior, Ministry of Social Affairs, court administration or judiciary, etc).

<sup>27</sup> November 2011: EU Forum on children's rights: background paper on data collection: [http://ec.europa.eu/justice/newsroom/fundamental-rights/events/files/child\\_friendly\\_justice\\_en.pdf](http://ec.europa.eu/justice/newsroom/fundamental-rights/events/files/child_friendly_justice_en.pdf)

<sup>28</sup> <http://unstats.un.org/unsd/dnss/docs-nqaf/Eurostat-HANDBOOK%20ON%20DATA%20QUALITY%20ASSESSMENT%20METHODS%20AND%20TOOLS%20%20I.pdf>

<sup>29</sup> [http://unstats.un.org/unsd/publication/SeriesF/SeriesF\\_89E.pdf](http://unstats.un.org/unsd/publication/SeriesF/SeriesF_89E.pdf)

<sup>30</sup> <http://www.europeansourcebook.org/index.html>

<sup>31</sup> Eurostat: Crime and criminal justice 2006-2009: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-12-006/EN/KS-SF-12-006-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-12-006/EN/KS-SF-12-006-EN.PDF)

<sup>32</sup> UNODC crime trend statistics: <http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>

<sup>33</sup> COUNCIL DECISION 2009/316/JHA of 6 April 2009

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:093:0033:0048:EN:PDF>

<sup>34</sup> COUNCIL DECISION 2009/316/JHA of 6 April 2009

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:093:0033:0048:EN:PDF>

<sup>35</sup> [http://epp.eurostat.ec.europa.eu/portal/page/portal/links/national\\_statistical\\_offices](http://epp.eurostat.ec.europa.eu/portal/page/portal/links/national_statistical_offices)

**REQ58.** The Contractor will also gather data from non-official sources, such as NGOs, especially where no official data is available at Member State level. It must always be made clear what the data sources are, to avoid confusion between official national data and other data. The use of non-official data must receive prior clearance from the steering group.

**REQ59.** As the data collected is Member State data, Member State involvement in this study is essential. The contractor will be required to work in consultation with Member States and to build in time (i.e. a **two-month period**) to allow Member States to check national official data for factual errors during this study.

**REQ60.** Parameters that serve to position the study results in a wider national and European context must be used so that data can be seen in comparison to other populations/total population, etc.

## 12. OUTPUTS AND DELIVERABLES

### **DELIVERABLE 1. Tracking matrix**

The Contractor will be required to establish, use and keep up-to-date a comprehensive matrix to track progress with regard to all requirements outlined in this technical annex, covering all aspects and the entire duration of the study, tracking progress throughout. The matrix must be transmitted to the Commission **five working days prior to progress meetings** (preferably in the form of a hyperlink to a protected web space). The **steering group** may also be given access to a protected web space.

### **DELIVERABLE 2. Project schedule**

The Contractor is required to draw up a detailed project schedule (Gantt chart) and to either provide the Commission with access to it or transmit an up-to-date version to the Commission **five working days prior to progress meetings**.

### **DELIVERABLE 3. Issue log**

The Contractor is required to establish an issue log to be transmitted to the **Commission five working days prior to progress meetings**, unless a system giving the Commission direct access to this tool is established (protected web space).

### **DELIVERABLE 4. Risk log**

The Contractor is required to establish a risk log to be transmitted to the **Commission five working days prior to progress meetings**, unless a system giving the Commission direct access to this tool is established (protected web space).

### **DELIVERABLE 5. Contextual narrative overview per Member State**

Delivery will be staggered to take account of earlier delivery date for criminal justice and juvenile justice.

### **DELIVERABLE 6. List of master indicators**

Delivery will be staggered to take account of earlier delivery date for criminal justice and juvenile justice.

A comprehensive overview of existing indicators used by Member States to collect data on children in judicial proceedings, consisting of a comprehensive table including an analysis and a list of master indicators. The draft list of master indicators will be submitted to the steering group. The master list of indicators will be compliant with Requirement No 9.

**DELIVERABLE 7. Criminal/juvenile justice**

**7.1. Report on criminal/juvenile justice data collection**

**7.2. Delivery of databases of indicators, fully populated by data, for each Member State**  
(Microsoft Excel)

Accompanying notes on methodology and any difficulties encountered as well as a log of actions taken to overcome difficulties by the national experts

**7.3. Delivery of a compiled comparative database for all Member States** (Microsoft Excel)

Accompanying notes on equivalences and approximations

**DELIVERABLE 8. Administrative and civil justice**

**8.1. Report on data collection for administrative and civil justice**

**8.2. Delivery of databases of indicators, fully populated by data, for each Member State**  
(Microsoft Excel)

Accompanying notes on methodology and any difficulties encountered as well as a log of actions taken to overcome difficulties by the national experts

**8.3. Delivery of a compiled comparative database for all Member States** (Microsoft Excel)

Accompanying notes on equivalences and approximations

**DELIVERABLE 9. Final report** covering the complete study, containing:

9.1. **Executive summary** (10 pages maximum)

9.2. A complete description of the study separated into the three fields covered (criminal, civil, administrative justice). The report must provide a full account of all work carried out, all outputs/results/findings produced and all difficulties encountered. Particular detail should be provided on the:

9.3. Methodology followed

9.4. A log of difficulties encountered and remedial actions taken by the Contractor

9.5. Member State consultation/validation (national authorities/NGOs/other)

9.6. List of stakeholder consultations/interviewees by type/Member State

9.7. Contextual overview

9.8. Indicator development

9.9. Data collection

9.10. Analysis of the quality of data

9.11. A chapter on data gaps/MS divergence/MS convergence highlighting salient statistics

9.12. Production of statistics

9.13. Conclusions and main findings

9.14. Recommendations on follow-up

9.15. Feedback for the Commission on execution of the contract

**DELIVERABLE 10. Meeting minutes**

The Contractor is responsible for the drafting of minutes of progress and interim meetings and steering

groups. Draft minutes must be delivered to the Commission for comments within three working days of the meetings. The Commission will issue comments or approval within three working days of receipt and the Contractor will provide a modified version (where relevant) within three working days.

### 13. TIMETABLE

This is an indicative summary timetable to highlight the main milestones. It is not intended to be exhaustive.

<b>Timing (N= contract signature)</b>	<b>Process</b>	<b>Key meetings</b>	<b>Contractor outputs</b>	<b>Contractual</b>
Every 2 months		Steering/Progress meetings	Minutes	
N+2 weeks		Inception meeting COM	Inception report	
N+2 months			Draft contextual overview criminal/juvenile justice chapters	
N+2 months	<b>Validation of criminal/juvenile indicators</b>	<b>Steering group, MS authorities and stakeholders</b>	<b>Minutes, conclusions for consolidated database</b>	
N+5 months	<b>Validated criminal/juvenile justice database (checks by MS complete)</b>	<b>Bilaterals with MS, steering group, MS authorities and stakeholders</b>	<b>Minutes, checks carried out by MS, other validations</b>	
N+6 months	<b>Database/overview criminal justice and juvenile justice</b>	<b>Meeting to validate findings/interim meeting</b>	<b>Database, statistics, contextual overview, draft report, interim report, minutes</b>	<b>1<sup>st</sup> interim report</b>
N+10 months			Draft contextual overview civil/administrative and global chapters	
N+12 months	<b>Validation of civil/administrative/global indicators</b>	<b>Steering group, MS authorities and stakeholders</b>	<b>Minutes, conclusions for consolidated database</b>	<b>2<sup>nd</sup> interim report</b>
N+16 months	Validated database civil justice (MS checks complete)	Meeting to validate findings	Database, statistics, draft report	
N+20 months	Validated database administrative justice (MS checks complete) administrative justice	Meeting to validate findings	Database, statistics, draft report	
<b>N+24 months</b>	<b>Draft conclusions</b>	<b>Draft Final report meeting COM</b>	<b>Draft Final Report</b>	<b>Draft Final report</b>

Should the Contractor wish to deviate from the indicative timetable above, the proposal for deviation must be duly provided with justifications to the Commission. In any event, delivery of final results must be within the 24-month period set for the duration of the study.

## 14. STAFF

The Contractor shall ensure that the tasks are carried out by staff in accordance with the requirements listed under "IV.2 Selection Criteria" of the call for tender and as specified in the tender submitted by the contractor (or equivalents to be agreed to by the Commission prior to their involvement in the execution of the contract).

## 15. REPORTING OBLIGATIONS

### 15.1. INTERIM REPORTS

Within **six months** of the signature of the Contract by the last of the two parties, **the first** interim report, accompanied by the database/statistics/contextual overview on criminal justice and juvenile justice, as specified above under Timetable, shall be submitted.

Within **twelve months** of the signature of the Contract by the last of the two parties, **the second** interim report, accompanied by validated administrative and civil justice indicators, as specified above under Timetable, shall be submitted.

Within **forty-five days** of receipt of the draft interim reports accompanied by all documents referred to above, the Commission will inform the Contractor of their acceptance or of any comments or requests for supplementary work.

The Contractor must submit any new documents within **twenty days** of receipt of the Commission's comments.

The acceptance of the interim reports will be subject to the validation of all accompanying documents following the Commission's final comments.

### 15.2. DRAFT FINAL REPORT

Within **twenty-four months** of the signature of the Contract by the last of the two parties, a draft final report – as specified above under Timetable - must be submitted.

Within **forty-five days** of receipt of the draft final report, the Commission will inform the Contractor of its acceptance or of any comments or requests for supplementary work.

The acceptance of the draft final report will be subject to the validation of all accompanying documents following the Commission's final comments.

### 15.3. FINAL REPORT

The final report, **reflecting fully the Commission's comments on the draft final report**, must be submitted no later than **twenty days** from the date of receipt of such comments.

### 15.4. REPORT FORMAT AND PUBLICATION

Each deliverable will be submitted in four copies, in paper version and in electronic format (providing a durable record of the evaluation), both in MS Word or MS Excel and in PDF-format, in proofread and professional-level, clear and concise English and will be accompanied by an executive summary not exceeding five pages, in the same language and format.

The documents shall be sent to the address indicated in Article I.6 of the Contract, and electronic versions of all deliverables and outputs will be provided on a USB Flash drive.

To this end, it must be subdivided into a set of files corresponding to different deliverables, reports and databases and will be compliant with REQ.2.

The Contractor is required to ensure that deliverables are proofread, free from any errors that prevent them from being understood and are written to a professional standard of English.

The Commission may publish the results of the study. The Contractor must ensure that there are no restrictions for reasons of confidentiality or based on the intellectual property rights of third parties. Should the Contractor intend to use data in the study which cannot be published, this must be explicitly mentioned in the offer. Should interviews be carried out with national authorities in the context of this study, the Contractor must validate the contents with the Member States concerned (responsible ministry/department) and is required to have all interview summaries validated by the interviewee, preferably at the end of the interview. In addition, the Commission may review the results for quality assurance.

Rights concerning the study and those relating to its reproduction and publication shall belong to the Commission. No document based, in whole or in part, upon the work undertaken in the context of this Contract may be published except with the prior formal written approval of the Commission.

## 16. MEETINGS WITH THE COMMISSION

The contractor will be requested, and should be prepared, to attend the following one-day meetings at the Commission's premises in Brussels:

- an **inception meeting** within two weeks of signature of the Contract
- a meeting to discuss the **draft interim report** and the database/overview on criminal and juvenile justice
- a meeting to discuss **criminal justice data**
- a meeting to discuss **civil justice data**
- a meeting to discuss **administrative justice data**
- a meeting to discuss the **outputs** and the database as well as the **draft final report**
- a meeting to **present the results** at an event within three months of the acceptance of the final report.
- every two months; meetings with the **steering group (maximum duration 0.75d)**. In general **steering group meetings will take place the same day as contractual progress meetings** so as to avoid unnecessary displacements.

## 17. MEETINGS WITH MEMBER STATE AUTHORITIES AND OTHER STAKEHOLDERS

The contractor will be required to meet bilaterally with each of the national authorities from which the data is to be obtained.

In addition, during the first half of the study, the contractor will be required to participate in **three one-day meetings** with representatives from the national authorities of all **Member States, and the Commission**, to be held **in Brussels**, to discuss the draft **master list of indicators (criminal/juvenile, civil, administrative/global)**.

The Contractor will ensure, through their work in obtaining data from the national authorities, that the appropriate representatives are identified, and propose a list of participants for the meeting to the Commission.

The Commission will convene and organise the meeting, invite participants and cover the meeting costs, including Member State delegates' travel and hotel costs.

#### **18. DURATION OF PERFORMANCE**

The duration of the tasks must not exceed **twenty-four months**. Execution of the tasks begins after the date on which the Contract enters into force.

#### **19. PLACE OF PERFORMANCE**

The tasks will be performed at the Contractor's premises. However, meetings between the Contractor and the Commission will be held at the Commission's premises in Brussels.

#### **20. ESTIMATED VOLUME OF THE CONTRACT**

The estimated budget is €1 200 000.

The estimated budget is indicated in line with the principles of sound financial management, and in particular of economy and value for money.

This is to enable tenderers to submit targeted bids that correspond more closely to the funds available and the needs of the contracting department. The aim is to clarify the extent of the Commission's requirements and to contribute to transparency and free competition by making known and widely disseminating this information.