

TERMS OF REFERENCE (TOR) FOR INSTITUTIONAL CONTRACTORS ON REVIEW OF THE LEGAL FRAMEWORKS ON BIRTH REGISTRATION

Purpose	The purpose of the consultancy is to conduct a thorough review of the legal frameworks that can support an harmonized and holistic e-CRVS system in the broader context of digital laws, data privacy, protection and legal identity management.
Duration	January 2022 to May 2022
Reporting to	Sharon Oladiji
Location	Abuja

1. Background and Justification

The first conscious effort to have a universal system of registration of births and death began in 1988 when the Federal Government promulgated the “Birth and Deaths Compulsory Registration Decree 39 of 1979”. The Decree (now Act) was aimed at establishing a uniform system of registration including the appointment of a Registrar-General for the country. This law also regulated the powers of various States of the federation in the registration of births and deaths. The second attempt was the promulgation of “Compulsory Registration of Births and Deaths, etc Act No 69 of 1992, prescribed the authority to register these vital events to the National Population Commission (NPC). The law empowered the Commission to establish vital registration system across the nation. This mandate of the Commission was further strengthened and recognized under section 24 of the 3rd schedule of the 1999 Constitution of the Federal Republic of Nigeria, while the Constitution also empowers the Local Government Councils to register births of children in parallel to the NPC across the 774 LGAs in the country.

As a result of this dual legal provisions, all the local government areas (LGAs) maintain an independent system of birth registration in parallel to the NPC system and there is no specific legal framework to govern the relationship between NPC and LGA registration systems. As a result of these parallel mandates and systems, the process of birth registration is continually creating confusion to which system that parents should use.

In addition, the Nigerian civil registration and identity system is characterized by multiple and duplicating agencies extracting identity data of individuals and are not linked, coordinated nor integrated. Some of these includes NIMC, NPOPC, National Passport issuance, driver’s license, BVN, Voters cards, NIN etc. Yet, basic services for children including school enrollment, immunization, child justice administration continue to be administered without any linkage to the unique birth registration identity. The National Population Commission is set to employ digital technologies to leapfrog outdated, paper-based birth registration systems and offer more inclusive methods of providing unique identities to children at birth, and has set in motion a high-quality digital CRVS services that meet the needs of the public, government departments, the CRVS entities and other stakeholders.

Thus, an enabling legal and policy environment for birth registration within Civil Registration and Vital Statistics System needs to be in place and the legal and policy framework ought to be strengthened, including through harmonization of birth registration and certification processes and services between the National Population Commission, the LGAs and other civil registration agencies and entities.

2. Purpose of Assignment: (attach background documents, if necessary)

The purpose of the consultancy is to inform how the existing birth registration legal framework can support an harmonized and holistic e-CRVS system in the broader context of digital laws, data privacy and protection, legal identity management in accordance with international best practices and achieving a decentralized and comprehensive transformation and reform within the civil registration system.

3. Programme ID & Specific Project Involved: Outcome 6

Outcome 6: Children who are victims or at significant risk of violence, abuse, neglect and exploitation, including those in humanitarian settings, receive quality preventive and responsive services from a functioning child protection system at federal level and in targeted states.

Output 6.3

The birth registration system has strengthened capacity to scale up the registration of children under age 5 years, with focus on children under 1 year of age

4. Major Tasks to be accomplished: (estimated time required to complete tasks. Attach additional sheets, if necessary, to describe assignments)

The Institutional consultant will be required to:

1. Undertake a desk review of laws, policies, and practice on civil registration particularly birth registration at national, state, LGA and community practices.
2. Conduct a thorough review of the legal frameworks governing existing civil registration parallel systems linked with other frameworks like – the national identity management policies, immigration law, NPHCDA law and policy on Early Childhood Development in Nigeria, etc.
3. Identify gaps and propose a secondary legislation to improve the law and practice needed to implement the revised Births, Deaths, etc. (Compulsory Registration) Act, No 69 of 1992.
4. Provide reports, administrative note and information on (i) how the existing legal framework can support the e-CRVS system in the broader context of parallel legislation, digital laws, data protection and international best practices and (ii) how to achieve a comprehensive reform within the civil registration system.
5. Contribute towards the review and amendment of the Data Protection Bill, to ensure integration with e-CRVS including birth registration processes and aspects of Legal Identity Law and protection
6. Develop a well-defined data and privacy protection framework which clarifies the rules for sharing identity data between government bodies as well as rights of data ownership.
7. Organize and facilitate consultative sessions and validation workshops with national, zonal technical, and multisectoral organizations and key stakeholders to harmonize laws and policies on civil registration in Nigeria and provide the draft reports and frameworks for National Population Commission and UNICEF's review and adoption..

5. Deliverables and Payment Schedule:			
Key Tasks	Deliverables	Timeline	Estimate Budget
<p>1. Undertake a desk review of laws, policies, and practice on civil registration particularly birth registration at national, state, LGA and community practices.</p> <p>2. Conduct a thorough review of the legal frameworks governing existing civil registration parallel systems and other national identity management policies, immigration laws, policy for Integrated Early Childhood Development in Nigeria, NPHCDA law, etc</p>	<p>a) Inception report</p> <p>b) Report of desk review of legal frameworks completed</p>	Month 1	10%
<p>3. Identify gaps and propose a secondary legislation to improve the law and practice needed to implement the revised Births, Deaths, etc. (Compulsory Registration) Act, No 69 of 1992.</p> <p>4. Provide reports and information on how the existing legal framework can support the e-CRVS system in the broader context of parallel legislation, digital laws, data protection and international best practices and how to achieve a comprehensive reform within the civil registration system</p>	<p>c) Hold dialogues, focus group discussions, conduct alliance building meetings with NPC and other civil registration entities and submit for review reports and recommendations of the alliance building meetings.</p> <p>d) Draft and submit a revised legal framework and a secondary legislation, as the amended Births, Deaths, etc. (Compulsory Registration) Act, No 69 of 1992.</p>	Month 2	20%
<p>5. Contribute towards the review and amendment of the Data Protection Bill, to ensure integration with eCRVS including birth registration processes and aspects of Legal Identity Law and protection</p>	<p>e) Submit a revised version of the Data Protection bill.</p>	Month 3	30%
<p>6. Develop a well-defined data and privacy protection framework which clarifies the rules for sharing identity data between government bodies as well as rights of data ownership.</p> <p>7. Organize and facilitate consultative sessions and validation workshops with national, zonal technical, and multisectoral organizations and key</p>	<p>f) Organize consultative sessions and validation workshops with key stakeholders and multisectoral organizations to review draft frameworks to validate the draft Laws, reports, regulations, and policies.</p> <p>g) Submit final amended Births, Deaths, etc. (Compulsory</p>	Month 4	40%

<p>stakeholders to harmonize laws and policies on civil registration in Nigeria and provide the draft reports and frameworks for UNICEF’s and National Population Commission review</p>	<p>Registration) Act, No 69 of 1992 and revised Data Protection Bill to UNICEF and National Population Commission</p>		
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6. End Product: (e.g. final report, article, document etc.)
 Submit the following to UNICEF and National Population Commission:

- Inception report and report of desk review of legal frameworks
- Report and recommendations of focus group discussions and validation workshop
- Copy (hard and e-copy) of the amended Births, Deaths, etc. (Compulsory Registration) Act No 69 of 1992 - that can be integrated as an admin order or a draft regulation that allows the Commission to make regulations for the purposes of amending their own act
- Copy (hard and e-copy) of a draft Executive Bill that can be sent to the National Assembly by the President of the Federal Republic of Nigeria
- Draft of the revised Data Protection Bill
- Final Report-findings and recommendations

7. Qualifications or specialized knowledge/experience required:

- Institution must have at least a minimum of ten years of relevant professional work experience on development and review of legal frameworks and vetting of Laws, rules and regulations.
- Up-to-date knowledge of and expertise on legal drafting reviews, vetting of regulatory frameworks and documents
- Working experience with government, UNICEF or any other UN organization
- Working experience of legal drafting and defining legal and regulatory frameworks.
- Experience or familiarity with civil registration and vital statistics and child protection systems strengthening approach would be beneficial
- Institution staffs must have Knowledge of the latest developments and technology in related fields and on:
 - Computer skills and excellent communication skills.
 - Initiative, passion and commitment to UNICEF’s mission and professional values.
 - Excellent communication and stakeholder management skills, especially working with government and development partners

ITEM	TECHNICAL EVALUATION CRITERIA	Maximum points
1	Overall Response Overall Response e.g. the understanding of the assignment by the proposer and the alignment of the Proposal submitted with the ToR 1. Completeness of response 2. Overall concord between TOR/needs and Proposal	10 10
2.	Company and Key Personnel Range and depth of organisational experience with similar projects 1. Samples of previous work 2. Number of customers, size of projects, number of staff per project 3. Client references 4. Key personnel: relevant experience and qualifications of the proposed team for the assignment 5. Company policy on child labour, Safeguarding and Prevention of Sexual Exploitation and Abuse (articulate policies for the protection & safeguarding of children and prevention of PSEA) - mandatory	5 5 5 5 5
3	Proposed Methodology and Approach 1. Understanding of objectives and purpose of the consultancy 2. Technical quality of proposal, reference to previous and relevant reviews and draftings 3. Demonstrated experience and knowledge of Nigeria's Child Protection Issues and Legal and Policy Frameworks.	20
	Maximum Marks	70
TOTAL TECHNICAL SCORE		
TOTAL FINANCIAL SCORE		
SUMMARY OF TECHNICAL & FINANCIAL SCORE		
NOTE: 1. The pass mark will be 70/100. Proposals on bids not achieving the minimum technical and financial standards will not be assessed. 2. Additional physical vetting/verification of the local bidders may be conducted if and when required by the Government of Nigeria .		

Minimum technical score: 70% of 70 points = 49 points

FINANCIAL EVALUATION (xx points)

Only those financial proposals for bidders which have been technically accepted according to the above criteria will be opened. The Financial Proposal will be weighted based on the clarity and appropriateness.

The price should be broken down for each component of the proposed work. The maximum number of points will be allotted to the lowest price proposal that is opened and compared among those invited firms/institutions which obtain the threshold points in the evaluation of the technical component. All other price proposals will receive points in inverse proportion to the lowest price; e.g.:

$$\text{Score for price proposal X} = \frac{\text{Max. Score for price proposal} * \text{Price of lowest priced Proposal}}{\text{Price of proposal X}}$$

The Contract shall be awarded to a bidder obtaining the highest combined technical and financial scores. Proposals not complying with the terms and conditions contained in this ToR, including the provision of all required information, may result in the Proposal being deemed non-responsive and therefore not considered further.

Administrative issues

- Whenever possible, bidder should be requested to provide an all-inclusive cost in the financial Proposal. Bidder should be reminded to factor in all cost implications for the required service / assignment
- When travel is expected as part of the assignment, it shall be clearly specified (e.g. location, duration, number of journeys ...etc.) in the TOR. Bidder shall be required to include the estimate cost of travel in the financial Proposal. It is essential to clarify in the TOR that i) travel cost shall be calculated based on economy class travel, regardless of the length of travel and ii) costs for accommodation, meals and incidentals shall not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC)
- Unexpected travels shall also be treated as above.
- Resources and facilities to be provided by UNICEF; e.g. access to printer, office space...etc.

Project Management

- The specific division/centre/unit which will be responsible for managing the contract/project. Availability of resources, focal points/contacts and how they will be accessible;

