



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

TITLE OF CONSULTANT: Individual Consultant (IC) Disability Law Specialist

COUNTRY: Botswana

DESCRIPTION OF ASSIGNMENT: Disability Law Specialist

PROJECT NAME: Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Women and Youth Project” (2018 – 2021)

1. BACKGROUND

At the 38th session of the Human Rights Council, on 28 June 2018, the Government of Botswana reported to the Human Rights Council that it has taken a decision to ratify the Convention on the Rights of Persons with Disabilities (CRPD). Botswana also plans to ratify the African Union Protocol on Disabilities (AU Protocol) which was adopted at the African Union Summit in Addis Ababa, Ethiopia, on 29 January 2018.

While ratified conventions do not automatically form part of the law of Botswana, ratification of the CRPD and the AU Protocol will provide the normative framework to guide the development of an holistic and comprehensive National Disability Framework (NDF) in Botswana. The NDF will consist of a national disability strategy, national disability policy and Disability Law.

Botswana does not have a National Disability Strategy or a Disability Law. The Government of Botswana has reviewed the National Policy on Care for Persons with Disabilities (1996). The revised National Disability Policy was tabled in Parliament in 2016 but was not approved. It was subsequently further revised, and the revised version is expected to be approved by Parliament in 2018.

The Government of Botswana wants to ensure that it is ready to implement the CRPD (and AU Protocol) upon ratification, or as soon as possible thereafter, noting that States Parties undertake:

4(1)(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

4(1)(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

4(3) In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

The National Development Plan 11 sets out government priorities regarding disabilities. The priorities are primarily welfare-based rather than rights-based, and include initiatives such as cash transfers, allowances and restructuring rehabilitation to improve coordination and access, a database of people with disabilities and an inclusive education policy. It is understood that with the ratification of the CRPD and the AU Protocol by the Government of Botswana, passage of a Disability Law and approval of a Disability Policy and Disability Strategy will become national priorities in addition to those listed in NDP 11. Botswana has also committed to the Sustainable Development Goals including SDG16.7, ensuring responsive, inclusive, participatory and representative decision making at all levels. The CRPD and SDGs are mutually reinforcing; all references to 'equality' and the principles of inclusion that underpin the SDGs ('leave no one behind') apply to people with disabilities.

The Government of Botswana created the Disability Unit in the Office of the President in 2010, recognizing the importance of the issue of disability and the need for whole of government coordination on the issue. The Disability Unit is the secretariat for the National Coordinating Committee on Disabilities (NCCD), which provides oversight of disability policy in Botswana. NCCD processes are consultative and inclusive of people with disabilities.

The development of the Disability Law (as part of the National Disability Framework) will be coordinated by Disability Office at the Office of the President as secretariat for the NCCD, in close consultation with PwDs. A consultation plan will be developed which will include consultations on the draft Law and verification and endorsement of the draft Law by the NCCD and PwDs. Government will meet with key stakeholders including civil society disabled

persons' organisations on the plans to ratify the CRPD and the AU Protocol and to seek input into the draft Disability Strategy and Draft Bill prior to endorsement by the NCCD.

UNDP and the Government of Botswana have signed the "Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Women and Youth Project" (2018 – 2021) ("the Project"). Under the auspices of this Project, the Government of Botswana has requested support from UNDP to develop a National Disability Strategy and Disability Law, conduct consultations and convene an international conference on Disability in 2019.

Accordingly, UNDP is procuring the services of a Disability Law Specialist. The Disability Law Specialist will work closely with the national legislative drafting consultant, to produce a Disability Bill to domesticate the CRPD and AU Protocol and mainstream disability into the law of Botswana and include the necessary transitional and consequential amendments to existing laws. The Disability Law will be developed in September and October 2018 for approval by the NCCD and subsequent consideration by Government. The Disability Law will build upon a review of the legal framework of Botswana for people with disabilities (PwDs) which was conducted in 2011 and the Situation Analysis of Disability Rights in the Context of Botswana (2016). It will also take into account existing draft Bills to amend the Building Control Act 1960 and Penal Code.

The Consultant will report to the Coordinator of the Office of the President (Disability Unit) and the UNDP Human Rights Specialist. The Office of the President will coordinate the consultant's access to relevant cases and legislation.

2. **Detailed Terms of Reference** and instructions to bidders should be obtained from:
<http://procurement-notice.undp.org/>

3. SUBMISSION REQUIREMENTS

Proposals should be submitted in a sealed envelope clearly labeled: "**INDIVIDUAL CONSULTANT (IC) DISABILITY LAW SPECIALIST**" and be submitted to:

The Resident Representative
United Nations Development Programme
P.O. Box 54
Gaborone, Botswana OR by email to procurement.bw@undp.org

4. SUBMISSION DATE

Proposals should be submitted to the address above no later than **5:00pm Botswana Time** on the **20th July 2018**

5. **REQUEST FOR CLARIFICATION:** Any request for clarification must be sent in writing, or by standard electronic communication to enquiries.bw@undp.org UNDP Botswana will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of the inquiry to all prospective candidates.

NOTE: *Consultancy firms/companies interested in applying for this assignment are free to do so provided they submit a CV of only one qualified consultant and present its bid in a manner that would allow for evaluation of the bid in accordance with the evaluation criteria specified in these solicitation documents. That is, the experience required is that of the individual whose CV would have been submitted by the company rather than that of the company. In this regard, the company by submitting a CV is bidding as an individual bidder rather than a company/firm. Further, if the submitted bid wins, the ensuing contract will be between the UNDP and the company/firm, not the individual.*