



UNITED NATIONS DEVELOPMENT PROGRAMME TERMS OF REFERENCE

1. Consultancy Information

Consultancy title: National Expert to support preliminary capacity needs assessment of the Commission on Human Rights and Good Governance in Tanzania

Department /Unit: Democratic Governance, UNDP Tanzania

Supervisor: UNDP Country Director

Duration: up to 10 working days

Starting Date: 15 January 2015

Duty Station: Dar es Salaam

Located at: UNDP Dar es Salaam

Full/part time: Full time

2. Organizational Context

The Commission for Human Rights and Good Governance (CHRAGG) was established as a National Human Rights Institution under Article 129 (1) of the Constitution of the United Republic of Tanzania of 1977 by Act no 3 of 2000 by parliament. The CHRAGG became operational on the mainland after coming into force of the Commission for Human Rights and Good Governance Act No 7 of 2001, amended by Act no 16 of 2001 and government notice no 311 of 8 June 2001. CHRAGG became operational in Zanzibar in 2007 after the Zanzibar House of Representatives ratified the Act. A hybrid NHRI, CHRAGG combines the functions of ombudsman, as its founding legislation abolished the Permanent Commission of Enquiry that dealt with the investigations of complaints of abuse of power by public bodies. Besides being the institution for the broad promotion and protection of human rights and good governance, the Act no 7 specifies that its mandate includes investigation of the conduct of any individual or institution abusing power, receiving and addressing allegations/complaints on violations of human rights and contravention of principles of good governance and to conduct research into any issue of human rights, administrative justice. Critically, its constitutional and statutory establishment provide the basis of providing redressal for violations.

CHRAGG organisational structure includes a chair, six commissioners an executive secretary and some 220 0 staff between five substantive divisions based in Dar es Salaam, Zanzibar and Mwanza.

CHRAGG was awarded "A" status at its last review in 2011 . Nonetheless, the CHRAGG faces considerable challenges in meeting its obligations; It has been unable to enforce many of its recommendations and its ability to function effectively is affected by serious budgetary constraints. The CHRAGG was further undermined due to the extended delay of over six months in the appointment of the Chair, vice-Chair and member posts. The Chair and six commissioners were appointed and assumed responsibilities in early 2015.

Multiple stakeholders, such as the UNCT in Tanzania, The Irish mission and the EU mission in Tanzania and others are supporting the CHRAGG, the support is often ad hoc based on requests from CHRAGG or proposed by others on possible areas of common interest. The UNCT and the Donor Community agree on the need to streamline support to the CHRAGG, coordinate and ensure

consistent support in key areas of work for the CHRAGG.

3. Purpose of the Assignment

The main objective of this consultancy is to establish the needs/to undertake a preliminary assessment that will enable the formulation of possible future capacity enhancement of the CHRAGG. The assessment will address the organization and functioning of and identify areas where support would appear to be most needed and have the potential to be most effective. The Paris Principles will provide criteria for this assessment, but the principle benchmark will be the effective realisation of its objectives and the benefit it provides to society and to Government.

4. Scope of work

A team of two consultants will conduct the assignment and produce the report – one international expert and one national expert. The international consultant will serve as overall team leader and will be responsible meeting milestones and deadlines timely and for the quality of the quality of the draft and final report submitted:

In order to achieve the objectives, working under the team leader (international consultant) the tasks of the national consultant will include but not be necessarily limited to the following:

- Undertake a thorough observation of the Commission's mandate, structure, strategy, financing and procedures;
- Undertake interviews with the Commissioners and a wide cross-section of staff, as well as stakeholders, both in civil society, Government and UN;
- Analyse factors inhibiting performance, including root causes, and identify recommendations to address these including (i) legal or institutional reforms required and (ii) strategic reforms that can be adopted within the existing legal and institutional framework;
- Evaluate how CHRAGG applies a gender sensitive approach and contribute to gender results;
- Identify key areas of support with regard to the effective functioning of the CHRAGG;
- Formulate next steps for possible capacity enhancement of CHRAGG.

5. Deliverables

The evaluator will produce:

- Inception Report;
- Draft Report
- Final report;

The timeline and the content of the deliverables are expected to be as follows:

- **Inception Report:**
 - The Inception Report will be due in 2 days after the briefing with UNDP and CHRAGG, and this report will provide the refined methodological approach to the assignment, outline the assessment questions, the Work Plan and any issues related to the ToRs that may require discussions and adjustments;
 - The inception report should not exceed 3 pages.
- **Draft Report:**
 - The draft report must be finalized within 5 days after inception report is accepted by UNDP and CHRAGG. The report should include the preliminary major findings, best practices, lessons learned conclusions and recommendations. The draft report will be reviewed by UNDP and CRAGG. It will be presented to selected key stakeholders at validation workshop;
 - The report shall not to exceed 20 pages.
- **Final Report Outline**
 - The draft report must be finalized within 3 days after draft report is accepted by UNDP and CHRAGG.

- The report shall not to exceed 20 pages.
- As a minimum, the Evaluation Report (draft and final) shall include the following components (the exact structure of the report may be influenced by the project components and components of the Evaluation TOR):
 - I. Executive Summary (maximum 4 pages);
 - II. Introduction and Background (project description);
 - III. Evaluation Purpose and Objective;
 - IV. Evaluation Methodology;
 - V. Major Findings;
 - VI. Recommendations on the design and content of possible future support to CHRAGG.
 - VII. Summary of Constraining Factors;
 - VIII. Recommendations and Conclusions;
 - IX. Annexes. E.g
 - a. List of people interviewed/consulted/in focus groups
 - b. List of acronyms
 - c. Evaluation work plan and TOR
 - d. List of key reference documents

6. Qualifications of the Successful Individual Contractor

Qualifications:	<p>The evaluation will be conducted a national expert. He/she will be responsible for the evaluation process implementation and the deliverables.</p> <p>Profile of the National Expert</p> <ul style="list-style-type: none"> • At least a Bachelor’s degree in relevant field in Law, Human Rights or similar; • Demonstrated expertise in a broad range of human rights issues; • Demonstrated expertise in working with national human rights institutions; • Demonstrated expertise in conducting evaluation programmes; • Demonstrated drafting skills; • Relevant knowledge of human rights and field experience. • Relevant experience with applying a gender perspective; • Familiarity with the UN system.
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7. Competencies

Corporate Competencies

- Displays cultural gender, religion, race, nationality, and age sensitivity and adaptability
- Demonstrates diplomacy and tact in dealing with sensitive and complex situations

Professionalism:

- Demonstrates professional competence and mastery of subject matter;
- Demonstrated ability to negotiate and apply good judgment;
- Shows pride in work and in achievements;

- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results;

Planning & Organizing:

- Organises and accurately completes multiple tasks by establishing priorities while taking into consideration special assignments, frequent interruptions, deadlines, available resources and multiple reporting relationships.
- Plans, coordinates and organises workload while remaining aware of changing priorities and competing deadlines.
- Establishes, builds and maintains effective working relationships with staff and clients to achieve the planned results.

The evaluator must not have had any involvement in the design or implementation or consultation contracts for this Support for National Human Rights Priorities in Tanzania project and have no present affiliation with UNDP, its funding partners or other key project stakeholder organizations that in any way could jeopardize their objectivity in relation to the assignment.

Contract will be output-based and payment issued only upon delivery of satisfactory outputs.

8. Institutional arrangements

The contractor will work full time, based in the UNDP country office and/or CHRAGG office, Dar es Salaam. Office space and limited administrative and logistical support will be provided. The contractor will use their own laptop and cell phone.

The contractor will report to the UNDP Country Director (or his designate), working closely with the UN Country Team Senior Human Rights Advisor, who will review progress on a weekly basis, and will certify delivery of outputs.

9. How to apply

Please submit the following documents:

I. Technical proposal comprising of the following:

1. Letter of Confirmation of Interest and Availability using the template provided by UNDP.
2. Personal CV or P11, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and three (3) professional references.
3. Brief description (max. ½ page) of why you consider yourself as the most suitable for the assignment, and a methodology (max. 1 page) for how you will approach and complete the assignment.

II. Financial Proposal: that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided below.

10. Financial Proposal

The financial proposal must be expressed as an all-inclusive lump sum amount in TZS, presented in the following template:

	Unit cost (TZS)	No.	Total
a) Professional fee:			
b) Daily living allowance:			
c) Other costs (specify):			
Total (lump sum):			

Notes:

1. The information in the breakdown of the offered lump sum amount provided by the Offeror will be used as the basis for determining best value for money, and as reference for any amendments of the contract.
2. The agreed contract amount will remain fixed regardless of any factors causing an increase in the cost of any of the components in the breakdown that are not directly attributable to UNDP.
3. Approved local travel related to this assignment will be arranged & paid by UNDP Tanzania.
4. The Contractor is responsible for arranging and meeting the cost of their vaccinations and medical/life insurance.

11. Criteria for Selection of the Best Offer

Offers received will be evaluated using a Combined Scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.

Criteria to be used for rating the qualifications and methodology:

Technical evaluation criteria (total 70 points):

- Experience with human rights, in particular related to development of national human rights institutions and capacity building [25 marks].
- Experience in capacity needs assessments, preferably related to national human rights institutions and/or UNDP interventions [25 marks].
- Proposed methodology [20 marks].

Only candidates obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

Financial evaluation (total 30 points):

All technically qualified proposals will be scored out 30 based on the formula provided below. The maximum points (30) will be assigned to the lowest financial proposal. All other proposals receive points according to the following formula:

$$p = y (\mu/z)$$

where:

- p = points for the financial proposal being evaluated
- y = maximum number of points for the financial proposal
- μ = price of the lowest priced proposal
- z = price of the proposal being evaluated.

Approval

This TOR is approved by:

Signature: _____

Name: Amon Manyama

Designation: Officer in Charge, UNDP Tanzania

Date: _____