



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 05th June 2020

Country: Botswana

Description of the assignment: Individual Consultancy-National Human Rights Strategy and Action Plan - Botswana

Project name: “Support to the Fulfilment of Human Rights, Access to Justice and the Empowerment of Youth and Women Project (2018 -2021)”

Project number: 00102697

Period of Assignment / Services: Immediate start – (estimate 40 days over six months)

Proposals with reference should be submitted in a sealed envelope clearly labelled, “**Individual Consultant – National Human Rights Strategy and Action Plan – Botswana**”

Should be submitted by email to: procurement.bw@undp.org no later than **Friday 26th June 2020 at 12:00 (Botswana Time)**

Any request for clarification must be sent in writing by e-mail 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 facilitators.

NOTE: Consultancy firms/companies/consortium of consultants interested in applying for this assignment are free to do so provided they submit a CV of one qualified consultant and present the bid in a manner that allows for evaluation of the bid in accordance with the evaluation criteria specified in these solicitation documents. The expertise and roles of each member of the team should be clearly expressed.

1. BACKGROUND

A Human Rights Unit (HRU) was established in August 2019 under the Ministry for Presidential Affairs, Governance and Public Administration (MOPAGPA) in the Government of the Republic of Botswana. The objective of the HRU is to provide strategic guidance in the promotion and protection of human rights in Botswana. The mandate of HRU includes assessing and giving technical advice on the position Botswana should take on the promotion and protection of human rights at bilateral, regional and International human rights forums; advising Government in the formulation of policies and strategies to strengthen the promotion and protection of human rights; coordinating and capacitating Government Ministries and Departments to effectively promote, protect and report on human rights; monitoring compliance with ratified human rights treaties, conventions and protocols; strengthening Civil Society Organisations (CSOs) partnerships with Government to ensure inclusivity in human rights promotion and protection efforts; and increasing public awareness to promote a human rights based approach and culture of human rights in Botswana. The HRU is the secretariat for the newly established tripartite Human Rights Consultative Committee consisting of Government ministries, civil society organisations and UNDP.

The Government of Botswana and UNDP are implementing the “Support to the Fulfillment of Human Rights, Access to Justice and Empowerment of Youth and Women Project” (2018 – 2021) (the Project). The objective of the Project is to provide advisory and technical support to the Government to strengthen and enhance its capacity to respect, protect and fulfil human rights, enhance the accessibility of the justice system and empower youth and women. The Project is guided by the Government’s national development priorities and goals as articulated in Vision 2036, NDP 11, SDGs, United Nations Sustainable Development Framework (UNSDF) (2017 – 2021) and the UNDP Country Programme Document (CPD) (2017-2021).

The HRU has requested support for the development of a Comprehensive Human Rights Strategy and National Action Plan (CHRSNAP) under the auspices of the Project.

The CHRSNAP process was initiated in 2013 by the Ministry of Defence Justice and Security to develop a CHRSNAP in fulfilment of a commitment made during the Universal Periodic Review (UPR) Process (2nd cycle). Between 2013 and 2018 several workshops were convened to develop the CHRSNAP. The workshops were convened by MDJS and civil society and facilitated by an international consultant. In 2018, at the 3rd cycle UPR process, the Government of Botswana agreed to recommendations to finalise the CHRSNAP.

The CHRSNAP initiative is consistent with Botswana’s commitments to the Sustainable Development Goals, in particular targets 16.3, 16.7 and 16.10. Botswana’s National Development Plan 11 (2017 -2023) notes that “despite the country’s good human rights record over the years, NDP 11 will refocus efforts and commitment towards the protection and promotion of the citizens’ human rights. Consequently, therefore, the country will be implementing strategies for effective protection and promotion of human rights, including a review of all relevant legislation and expanding the mandate of the Ombudsman Office to deal with human rights issues” [8.93].

A consultant is therefore required develop the CHRSNAP through a consultative, participatory and inclusive process that incorporates both urban and rural interests in accordance with the scope of work below.

The specific contents of the CHRSNAP will be guided by consultations and the Human Rights Consultative Committee, however, at a minimum the CHRSNAP should:

- Provide guidance to government officials, civil society organisations, professional groups, educators, advocates and other members of civil society regarding the tasks that need to be accomplished to ensure that human rights are effectively observed and to promote cooperation among these groups;
- Establish or strengthen national or issue-specific institutions dealing with human rights;
- Promote the ratification and domestication of international and regional human rights treaties, facilitate the effective implementation of obligations and promote conformity of national legislation with international standards;
- Promote wider awareness of human rights standards and mechanisms, including among those whose actions are particularly critical, such as police, security forces, prison staff, traditional leaders, politicians as well as government officials and other workers in social fields;
- Promote and maintain a high level of awareness of the state of human rights observance in the country including in the private sector;
- Develop programmes specifically directed towards alleviating the human rights situations of vulnerable groups in society; and
- Emphasize the role of human rights in national development.

The work will be closely guided by the Human Rights Consultative Committee and the consultant will report to the Director, Human Rights Unit, Office of the President and Human Rights Specialist, UNDP.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The scope of work is as follows:

1. Develop a National Human Rights Strategy

1.1 Draft and present an **inception report** including summary of the progress to date and key issues arising for consideration in the Strategy.

1.2 Develop and present a **work plan** (including methodology) for approval by the Human Rights Consultative Committee and strictly follow the agreed work plan;

- 1.3 Conduct a **desk review** of comparable National Human Rights Strategies from select relevant jurisdictions in the SADC region, Africa and comparable jurisdictions and identify possible models for approval by the Human Rights Consultative Committee;
- 1.4 Develop a **stakeholder analysis and mapping that identifies key stakeholders** in the promotion and protection of human rights in Botswana, their roles and responsibilities. Stakeholders will be at the local, district, national and international levels. The analysis should include recommendations to strengthen partnership, cooperation and engagement and implementation of the CHR SNAP.
- 1.5 Develop a **consultation plan** for approval by the Human Rights Consultative Committee. The consultation plan should be cognizant of consultations that have already taken place and the need to ensure accessible communication in various local languages. The consultations should be inclusive and participatory and the plan should include consultation with a broad range of stakeholders and regular engagement with the reference group. The plan must take into account COVID-19 related social distancing requirements and travel restrictions that may exist;
- 1.6 **Collect all the required data and information** from various sources, including Government departments, Ministries, CSOs and other relevant sources with access to the information supported by the Human Rights Consultative Committee. The Government shall facilitate in collection of the data/information with required official letters and contact with focal person(s) wherever required;
- 1.7 Collect, review and analyze all the necessary documents and data and produce a **Baseline Study** of Botswana's legal and institutional human rights framework on the promotion and protection of human rights. The baseline study should indicate the status of human rights in Botswana human rights treaty ratification and reporting status and Botswana's national legal and institutional frameworks for the promotion and protection of human rights;
- 1.8 **Draft the National Human Rights Strategy** in a format consistent with the Government's Public Policy Development Framework. The proposed table of contents and draft Strategy should be presented to the Human Rights Consultative Committee for approval. The Strategy should be informed by the baseline study and consultations and be linked to national development priorities, the SDGs and international and regional human rights commitments;
- 1.9 **Facilitate stakeholder consultations** and workshops in accordance with the work plan and consultation strategy;
- 1.10 **Incorporate feedback from consultations** and undertake any necessary revisions and updates required and finalise the National Human Rights Strategy for presentation to the Human Rights Consultative Committee.
- 2. Draft the National Human Rights Strategy Action Plan** including:

2.1 Objectives, Activities, implementing partners and timeframes, including any necessary sequencing and prioritization of action and reforms;

2.2 Systems and processes necessary for implementation of the National Human Rights Strategy;

2.3 Linkages with SDGs, NDP11 KPIs, Vision 2036, Africa 2063.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Minimum Master's degree or equivalent, in law, human rights, public policy, social science with a specialization in human rights required.

II. Required experience:

- Minimum 10 years' experience working on human rights issues at the strategic level with government and civil society preferably in developing / middle income country contexts;
- Demonstrated experience in drafting Human Rights Strategies and Action Plans or Implementation Plans;
- Demonstrated experience conducting comparative research, data collection and analysis and contextualise to the local context and conditions;
- Demonstrated experience and skills in facilitating stakeholder/working group consultations;
- Demonstrated ability to work with diverse groups to facilitate dialogue and inclusive and participatory processes to build consensus on complex and sensitive issues;
- Excellent written and oral communication skills;
- Fluency in written and spoken English.

III. Competencies:

- Uses substantive mastery of technical content to model excellence and motivate performance;
- Ability to lead effectively, using mentoring and conflict resolution skills;
- Sets strategic goals and builds the means to achieve results;
- Demonstrates openness to change and ability to manage uncertainties and complexities;
- Remains calm, in control and good humored even under pressure;
- Demonstrates excellent oral and written communication skills.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested **individual** consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal:

- (i) Explaining why they are the most suitable for the work, clearly matching expertise to the selection criteria;
 - (ii) Provide a draft methodology and work plan outlining how they will approach and deliver the scope of work taking into account likely social distancing requirements and travel restrictions due to COVID-19 and consultations;
 - (iii) Samples of Strategies, Action Plans, Implementation Plans previously completed by the consultant;
- 2. Financial proposal including the costs of inclusive and accessible communications;
 - 3. Personal CV including at least 3 written references.

NOTE: Consultancy firms/companies/consortium of consultants interested in applying for this assignment are free to do so provided they submit a CV of one qualified consultant and present the bid in a manner that allows for evaluation of the bid in accordance with the evaluation criteria specified in these solicitation documents. The expertise and roles of each member of the team should be clearly expressed.

5. FINANCIAL PROPOSAL

The financial proposal will specify the daily fee, project costs, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on an agreed schedule of deliverables.

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and*
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

** Technical Criteria weight; [70%]*

** Financial Criteria weight; [30%]*

Only candidates obtaining a minimum of 70 point will be considered for the Financial Evaluation

Criteria	Weight	Max. Point
Minimum Master's degree or equivalent, in law, human rights, public policy, social science with a specialization in human rights required.	Mandatory exclusionary criteria	
Minimum 10 years' experience working on human rights issues at the strategic level with government and civil society preferably in developing / middle income country contexts.	Mandatory exclusionary criteria	
Demonstrated experience and skills in facilitating stakeholder/working group consultations.	Mandatory exclusionary criteria	
Complete technical and financial proposal submitted as per Item 4 Documents to be Included when Submitting the Proposal.	Mandatory exclusionary criteria	
Fluency in written and spoken English.	Mandatory exclusionary criteria	
<u>Technical</u>	70%	70
Technical proposal clearly matches skills and experience to the selection criteria and demonstrates competency to complete the scope of works.	30	30
The draft methodology and work plan address the scope of works and are responsive to the background information provided.	30	30

Demonstrated experience in drafting Human Rights Strategies and Action Plans or Implementation Plans	10	10
<u>Financial</u>	30	30