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INDIVIDUAL CONSULTANT PROCUREMENT NOTICE
Terms of Reference
National Consultant to draft revisions for the Sexual Offenses Act

DATE
UNDP-IC-2020-XXX
Job Tracking # XXXX

Country:	The Gambia
Duty Station:	Banjul
Description of the assignment:	Legislative Revisions/Reform to the Sexual Offenses Act
Project name:	Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia
Period of assignment/services:	30 working days

1. Introduction and Background

The Government of The Gambia, in partnership with the United Nations Development Programme (UNDP), is implementing a Rule of Law, Justice and Security project (hereinafter, “UNDP RoL”). The UNDP RoL project endeavors to implement a holistic and comprehensive program which addresses both the supply and demand sides of justice delivery. The project seeks to strengthen rule of law institutions to delivery quality services, to empower citizens in the exercise of their rights and to increase access to justice.

The UNDP RoL project met and completed thorough consultations with the Ministry of Justice, the Judiciary, the Gambia Police Force, the Gambian Prisons Service, the National Agency for Legal Aid (NALA), the ADR Secretariat (ADRS), the Law School of the Gambia and the Gambia Bar Association to better understand the issues and challenges for strengthening the rule of law and increasing access to justice. Subsequently, the 2020 Annual Work Plan for the project has been approved and endorsed by the Project Board.

2. Situation Analysis and Need for Intervention

The Gambia's legal system is based on a tripartite system: (1) English law, including the common law and principles of equity and statute law; (2) customary law, which is administered by district tribunals; and (3) Islamic/Sharia law on matters relating to marriage, divorce and inheritance, which is administered by a Cadi Court system. The latter two systems apply only to Gambians and/or Muslims.

The Tripartite System offers all disputants in The Gambia the opportunity to draw from the advantages of the indigenous customary system of Alternative Dispute Resolution (ADR) by conciliation, and then to choose among several jurisdictions to formalize the dispute in the District Tribunal, Cadi Court or the Magistrates/High Court.¹

The result is a strong need for comprehensive interventions to improve the rule of law by extending support to enhance the institutional capacities and capabilities of justice institutions while also strengthening the demand side by increasing legal awareness and legal aid services and empowering weak and marginalized communities.

At this time, the Constitutional Review Commission has completed the draft Constitution and the Transitional Justice and SSR processes are ongoing. In parallel, several development partners are supporting the Ministry of Justice, the Ministry of Interior and others to revise and/or redraft dated legislation. Two key pieces of legislation, the Criminal Code and the Criminal Procedure Code have been revised and will be submitted to the National Assembly for review and passage.

3. Revisions/Reform to the Sexual Offenses Act

The Project, at the request of the Ministry of Justice, will support the revisions and/or reform to the Sexual Offenses Act. As noted above, the Criminal Code and the Criminal Procedure Code were revised in 2019 and now stand ready for review by the National Assembly. Additional legislation such as the Evidence Act, the Police Act and the Prisons Act will also be revised in light of the ongoing legislative reforms.

The Consultant will review and redraft the Sexual Offenses Act of The Gambia. In reviewing and redrafting the Act, the Consultant will take into consideration all amendments to the Act and other laws whose application are impacted by, or related to, the Act and propose revisions for a more robust administration of justice in the country. The consultant may consult other model legislative provisions as appropriate and take into consideration international human rights standards and norms.

¹ EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

The Consultant will coordinate with other consultants working in areas that have an impact on, or are impacted by, this initiative such as, those supporting other legislative reforms (Criminal Code, Criminal Procedure Code, Police Act, Prisons Act, etc.,).

The Consultant, will work in close collaboration with the Ministry of Justice but will remain under the day-to-day supervision of the UNDP Chief Technical Advisor for Rule of Law based in The Gambia.

4. Duties and Responsibilities of Individual Consultant

The individual consultant will be responsible to complete the following actions:

Under the overall supervision of the UNDP Chief Technical Advisor and in close collaboration with the Ministry of Justice, the consultant will be required to conduct the following tasks:

- Conduct a desk review of the Sexual Offenses Act including all amendments thereof and related laws whose application are impacted by or related to the Act.
- Consult all relevant stakeholders involved in the legislative reform process of The Gambia, including, NALA, the Gambia Bar Association, prosecutors (MOJ & Police) and civil society.
Review and propose a first draft, second draft and final draft of the Sexual Offenses Act taking into account the view of all stakeholders and experts.
- Organize, facilitate and participate in stakeholder's meetings to discuss the proposed drafts of the Act produced.
- Organize, facilitate and participate in the first draft consultation meeting.
- Organize, facilitate and participate in the final validation meeting.
- Submit a final draft of the Act to UNDP and the Ministry of Justice.

5. Institutional Arrangement/Reporting

The consultant will be reporting to the UNDP Chief Technical Advisor for the Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia joint project on a day to day basis and work closely with the Ministry of Justice.

6. Duration of Work

The duration of the assignment will be 30 working days from the signing of the contract.

7. Qualifications - Education, Experience and Language

Education:

- Advanced university degree (master's degree or equivalent) in the field of law, or equivalent academic training/education from a recognized university. A first-level university degree in combination with qualifying experience may be accepted in lieu of the advanced university degree.

Professional Experience:

- At least 10 years of relevant and progressively legal experience, including experience in criminal litigation at the national or international level.
- At least 5 years experience drafting key legislative reforms in the justice sector at the national and/or international law level is required.

Languages:

- For the position advertised fluency in English, with proven drafting and communication skills, is required.

Other competences:

- Demonstrated drafting skills.
- Excellent communication skills.

8. Activities and Deliverables

The following tangible and measurable outputs are expected from the consultants during this assignment:

- A. Submit work plan, complete Desk Review & submit report including all amendments, as all well as all laws whose application are impacted or related to the Act.
- B. Organize, facilitate and participate in a one-day stakeholders' meeting to discuss revisions to the Act based upon the desk review report.
- C. First draft of the revised Sexual Offenses Act based on a two day stakeholders' meeting and consultations.
- D. Organize, facilitate and participate in a one-day Stakeholder's meeting for the validation of the final draft of the revised Sexual Offenses Act.
- E. Final draft of the revised Sexual Offenses Act based upon feedback from stakeholders and experts submitted to UNDP and the Ministry of Justice.

S/N	Deliverables	Actions required	Timeline	Submitted for approval
A.	Submit work plan, Complete Desk Review & Submit Desk Review report including all amendments, as all well as all laws whose application are impacted or related to the Act	Prepare and submit work plan in consultation with UNDP CTA 1. Conduct desk Review a. Submit final desk review report b. Circulate Report to participants for	7 working days	UNDP

		Stakeholders' meeting		
B.	Organize, facilitate and participate in a two day stakeholders' meeting to discuss revisions to the Act based upon the desk review report	<ol style="list-style-type: none"> 1. Organize a two day stakeholders' meeting to discuss revisions to the Act based upon Desk Review Report. 2. Facilitate discussions and record feedback, comments and inputs 3. Draft report on outcomes of the stakeholders' meeting 	5 working days	UNDP/ MOJ
C.	First draft of the revised Sexual Offenses Act based upon the stakeholders' meeting and consultations	Submit first draft of revised Sexual Offenses Act	6 working days	UNDP/MOJ
D.	Organize, facilitate and participate in a one-day Stakeholder's meeting for the validation of the final draft of the revised Sexual Offenses Act	<ol style="list-style-type: none"> 1. Organize a stakeholders' meeting to discuss revisions to the first draft of the Sexual Offenses Act. 2. Facilitate discussions and record feedback, comments and inputs 3. Draft report on outcome of the 2nd stakeholders' meeting 4. Revise first draft Act based upon outcomes of the stakeholders' meeting 	5 working days	UNDP/ MOJ
E.	Final Draft of the revised Sexual Offenses Act based on feedback from stakeholders and experts.	Submit final draft of revised Sexual Offenses Act	7 working days	UNDP/MOJ

9. Schedule of Payment

Deliverable Number	Description of Deliverable	Percentage of Payment
Deliverable A	Submit work plan & Desk Review Report	15%
Deliverable B	Submit report on outcomes of the first stakeholders' meeting (2day meeting)	15%
Deliverable C	Submit first draft of the revised Sexual Offenses Act	25%
Deliverable D	Submit report on outcomes of the second stakeholders' meeting	20%
Deliverable E	Submit final draft of the revised Sexual Offenses Act	25%

The term 'all-inclusive' implies that all costs (professional fees, travel related expenses, communications, utilities, consumables, insurance, etc.) that could possibly be incurred by the Consultant are already factored into the financial proposal. Under this arrangement, the contract price will be fixed regardless of change in the cost components. Payments will be made only upon confirmation of UNDP on delivering on the contract obligations in a satisfactory manner.

Please go the following link for the UNDP General Conditions of Contract for Individual Consultants:

http://procurement-notices.undp.org/view_file.cfm?doc_id=7879

Individual Consultants are responsible for ensuring they have vaccinations/inoculations when traveling to certain countries, as designated by the UN Medical Director. Consultants are also required to comply with the UN security directives as set forth by the United Nations Department of Safety and Security.