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UNITED NATIONS DEVELOPMENT PROGRAMME

TERMS OF REFERENCE

I. Basic Information

Title:	Consultancy for the Development of a Study on Alternatives to Imprisonment
Contract Type:	Consultant – National
Reports to:	Chief Technical Advisor/Programme Manager
Location:	Monrovia, Liberia
Duration of Contract:	35 working days within a period two months (October - November 2020)
Application Deadline	September 16, 2020

II. Organisational Context

The UNDP/OHCHR Joint Programme aims to support the Government of Liberia in its efforts to build a society based on the principles of rule of law, human rights and justice. The programme is geared towards enhancing the capacities of, and public confidence in, rule of law institutions, as well as strengthening access to justice and security, especially for women and girls. Interventions are designed with a view to ensuring sustainability and linking activities to ‘system-level’ policy development.

Support is comprehensive and sector-wide, supporting both the supply and demand side of justice. Consequently, the programme combines enhanced service delivery by resilient justice and security institutions with the public’s ability to access such services and hold duty-bearers to account. By increasing public confidence in the sector, support

is designed to be catalytic, strengthening state-society relations and creating an enabling environment for development.

The programme is geared towards providing support to the Bureau of Correction and Rehabilitation, Ministry of Justice in developing a study on alternative mechanisms for prisons. Following the end of fourteen (14) years civil crises in Liberia and the subsequent return of the country to democratic civilian rule that has witnessed three successive elections, the issue of prisons over crowdedness remains a serious challenge. Prison facilities often built to manage a maximum of 400 prisoners house more than double the prescribed population. About 80 percent of the prison population are pre-trial detainees, some of whom are kept in prisons for two (2) or more years. Not only does this increase prison overcrowding, it poses serious administrative challenges for the prison administration, which is neither equipped nor adequately trained to deal with very large numbers of inmates.

Further, the prisons service remains affected by a wide range of challenges including dilapidated infrastructure and poorly maintained facilities, poor sanitary conditions, lack of basic security, lack of logistics and poorly trained personnel. These conditions and factors undermine the BCR's capacity to deliver effective and efficient prison administration. Against this backdrop, the BCR encounters significant challenges in meeting international minimum standards relating to the treatment of inmates.

UNDP is seeking a suitable International Consultant to develop a study on alternatives to imprisonment. Under the guidance and direct supervision of the Chief Technical Advisor/Programme Manager - Rule of Law, the Consultant will develop a study identifying alternative mechanisms to imprisonment in Liberia, measure their use, and explore options for optimising their use through the review of policies, procedures, rules and regulations, and actual practices. Comparative analysis will be made with regional and international practice and experiences as reference points. The study will underscore the importance of decongesting prison institutions to ensure fair and humane treatment of inmates as well as the provision of care and rehabilitation.

III. Purpose of the Consultancy

The overall purpose of the consultancy is to support the Bureau of Corrections and Rehabilitation, Ministry of Justice in developing a document that highlights various alternative mechanisms to imprisonment as provided by the laws of Liberia, and the extent of their use and their relevance as responses to decongesting prison facilities. The Consultant will review the current state of affairs relating to prisons in the country including overcrowding and its impact on hygiene conditions, the health of inmates, the status of rehabilitation and correction programs. The consultant will also review Liberia's existing laws, policies, procedures, rules and regulations regarding sentencing and compare these against actual practices. Further, the consultant will develop a study mapping out the optimum use of alternative mechanisms to imprisonment and provide guidance for the judiciary and other relevant institutions.

IV. Scope of Work

Under the direct supervision of the Chief Technical Advisor/Programme Manager - Rule of Law, and in close cooperation with Assistant Minister, Bureau of Correction and Rehabilitation, Ministry of Justice, the consultant will be responsible to:

- Review legal provisions of Liberia regarding the use of alternative sentences to imprisonment and measure their use against actual practices;
- Conduct comparative analysis on regional and international laws and practices on alternatives to imprisonment;
- Develop a study strengthening the use of alternative mechanisms to imprisonment;
- Review the current activities of BCR Division of Probation and Parole, the prospects and challenges and the means of strengthening its role as a means for providing alternative sentencing;
- Develop a framework for judicial (court system) awareness and reliance on the use of alternative sentences to imprisonment;
- The consultant will work closely with an international counterpart.

V. Deliverables

- Develop and submit inception report which contains a methodology and literature review (5 working days);
- Conduct consultations with stake holders and desk review of Liberia laws, policies, regulations case law and regional and international provisions on alternatives to imprisonment (8 working days);
- Develop draft paper identifying complementarity of alternative mechanisms by way of review of policies, procedures, rules, regulations and case law of Liberia and the extent of their use. The paper must include but not be limited to – an examination of the legal framework regarding sentencing in Liberia, regional and international approaches towards reducing pre-trial congestion including bail as a strategy for reducing pre-trial detention, diversion from prosecution etc., regional and international approaches regarding alternatives to imprisonment including suspended sentences, probation, early release, verbal sanctions and reprimand (10 working days);
- Prepare for and present paper at a validation workshop (4 working days);
- Develop and submit final study in publishable quality (8 working days).

VI. Impact of Results

The study will serve as a framework for holding of thematic meetings by relevant stakeholders including the security and justice sector, national legislature, international partners among others to discuss policies on the adoption of alternatives to imprisonment. The report will also serve as a reference document for reviewing and amending existing laws on prisons in Liberia and provide guidance on crafting policies and regulations including legislative enactment of laws that are responsive and provide solutions for addressing pre-trial detention and decongesting prison facilities.

VII. Recruitment Qualifications	
Education:	Degree in Law, Political Science, Development Studies, Psychology or Social Sciences.
Required Skills and Experience:	<p>Professional Experience:</p> <ul style="list-style-type: none"> • Minimum five years of relevant experience of working with rule of law institutions or criminal justice system and civil administration; • Experience or knowledge in critical analysis of social legal and civil administration systems and advising social reforms particularly mentally ill people; • Experience or knowledge of administration of correction facilities mental institutions; • Experience in working with alternatives to incarceration programs such as probation and parole is an advantage; • Experience with UNDP or other UN Agencies or International Non-Governmental Organizations in similar positions will be an advantage; • Basic computer skills. <p>Core Competencies</p> <ul style="list-style-type: none"> • Demonstrates integrity by modeling UN values and ethical standards; • Respects the vision, mission, and strategic goals of the UNDP; • Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; • Treats all people fairly without favoritism.

	<p>Functional competencies:</p> <ul style="list-style-type: none"> • Substantive previous experience of working with rule of law institutions and/or criminal justice system and advising on social reforms particularly relating to prisons or inmates; • Excellent interpersonal and oral and written communication skills; • Results oriented, flexible and problem solving skills; • Ability to cope with a difficult environment where formal institutions of government are at a nascent stage; • Deal diplomatically with challenging bureaucratic processes and pressure to meet strict deadlines; • Build strong relationships focusing on impact and results and responds positively to feedback; • Demonstrates openness to changes and ability to manage complexities; remains calm, in control and good humored, even under pressure.
Financial proposal:	Indicate fixed total contract price, supported by a breakdown of costs.
Language Requirements:	Fluency in English, including excellent writing skills.

Reviewed and cleared by: Rowland Cole 14-Sep-2020

Rowland Cole, CTA/Programme Manager – Rule of Law

Approved by: Violet Baffour 14-Sep-2020

Violet Baffour, Deputy Resident Representative - Programmes