



## Terms of Reference

### Consultancy: Technical Advisor to Review Courts and GBV Referral Services to Improve Survivor Accessibility and Safety

<b>Location:</b>	Port Moresby, Papua New Guinea
<b>Type of Contract:</b>	Individual Contract (IC)
<b>Project:</b>	Spotlight Initiative in PNG
<b>Languages Required:</b>	English. Working knowledge of Tok Pisin is highly desirable
<b>Starting Date:</b>	October 2020
<b>Duration of Initial</b>	120 working days (excluding weekends and public holidays) starting from October 2020 and April 2021

## Background

The Spotlight Initiative is a global partnership between the United Nations (UN) and the European Union (EU) to eliminate all forms of violence against women and girls in support of the 2030 Agenda on Sustainable Development. It was launched in September 2017 by the UN Secretary – General and the EU High Representative and Vice President. SDG 5 and the achievement of gender equality are placed at the center of efforts (alongside Goal 16) with the aim to provide an enabling environment for the implementation of all goals. Within the UN, the Initiative will operationalize the UN development system reforms and model a new way of delivering on the SDGs in an integrated way, leveraging collaborative advantages.

PNG has undergone an intensive and successful effort to reform legislation and national policies over the last decade to address VAWG. In particular, the passage of the Family Protection Act in 2013 (regulated in 2017) and the Child Welfare Act 2015 (Lukautim Pikinini Act) have strengthened the legal framework for protecting the rights and safety of women as well as girls and boys. However, recent evaluations of women's and girls' access to services for intimate partner or domestic violence in PNG have found that, outside of the National Capital District and a few provinces, the laws are not being implemented adequately. Provincial police, child protection, district court, and health officers, even those working in the Family and Sexual Violence Units and Family Support Centers do not know what their respective roles and responsibilities are with respect to the laws, nor how to implement them. Moreover, there is little coordination among the different service providers, and as mentioned earlier, case management and follow-up are almost non-existent in most settings, and inaccessible to women who have special needs e.g. women living with HIV, sex workers, lesbian and trans women, or indeed, the vast majority who live beyond provincial towns in rural and remote settings.

This situation is even more dire in rural areas, where Village Court Magistrates continue to use compensation and mediation as the main response to intimate partner violence. As a result, women and girls do not have access to the protections they are entitled to under the laws, such as Interim Protection Orders, or to other crucial services such as medical and psychosocial support, or safe refuge. The law and justice sector, with support from the Australian Government, has developed a

very user-friendly toolkit for training police, district court judges, village court magistrates, and service providers in the content and implementation of the laws and the creation of referral networks.

The Family and Sexual Violence Action Committee (FSVAC), with The Department of Justice and Attorney General (DJAG) and the Justice and Stability Services for Development Programme (JSS4D), have carried out multisectoral trainings in some provincial capitals, but the majority of the provinces have not yet received training. Training toolkits have also been developed for community activists and Human Rights Defenders to raise awareness among community members about the laws and the rights of women and children under these laws.

Challenges facing survivors of Gender-Based Violence in PNG, including those accessing justice through criminal proceedings are well documented and include:

- Significant under-reporting to police of domestic and family violence and sexual violence.
- Inadequate support and representation of FSV survivors during the criminal justice process.
- An under-resourced, biased, poorly skilled, and inefficient justice apparatus.
- Widespread reliance on alternative (non-state) justice bodies and processes, including compensation and mediation.

To support UNDPs work under Pillar 4 related to improving quality service delivery and accessibility in the country for survivors of GBV, improvement of judicial and legal mechanisms is key to building safe referral pathways and mechanisms that follow clear Standard Operating Procedures (SOPs) in terms of care and support provided to survivors of violence from a Human Rights centered perspective.

To do this, UNDP is seeking the services of an International Consultant to implement the scope of work listed below:

### Scope of work

There are two main activities of this consultancy:

1. Review the current referral services for survivors of Gender-Based Violence (GBV), with specific reference to the Gender-based Violence service providers and court system, on accessibility and safety when accessing these services.
2. Based on the findings of the review, make recommendations, and develop Standard Operating Procedures (SOPs) for survivor-friendly services for courts and GBV case management referral service providers.

### Specific objectives of the consultant:

#### 1. Mobilization and Workplan

- Develop methodology and prepare workplan for conducting the review
- Identify courts and service providers to be surveyed

#### 2. Review of PNG's Court Systems and GBV Referral Services

- Conduct survey of courts and identified GBV service providers
- Information gathering, collation and analysis of findings

**3. Development of Standard Operating Procedures**

- Compile findings and consolidate into a survey report
- Prepare a survey report with key recommendations
- Develop Standard Operating Procedures based on Recommendations

**4. Presentation of Findings to DJAG, FSVU, GBV Service Providers and RUNOs**

- Conduct presentation of review findings and implications to DJAG, DfCDR, FSVU, RUNOs and other relevant government agencies.
- Present final report and SOPs to NGOs and CSO service providers and key stakeholders
- Publication of Standard Operating Procedures – digital and print

**5. Final Report**

- Prepare and submit final consultancy report to UNDP detailing issues and next steps for the implementation of the Standard Operating Procedures.

**Supervision and Duties & Responsibilities**

The Consultant will be supervised by the Spotlight Project Manager (PM) with overall support from the Assistant Resident Representative (ARR) at UNDP in Port Moresby. The consultant will be supported by UNDP Spotlight Project staff.

**Key Tasks and Deliverables**

	<b>Deliverables</b>	<b>No. of Days</b>
1.	<b>Mobilization &amp; Workplan</b> <ul style="list-style-type: none"> <li>• Develop concept note and prepare workplan for conducting the consultations and review.</li> <li>• Identify courts and service providers to be surveyed and prepare a list.</li> </ul>	10
2.	<b>Review of PNG Courts Systems and GBV Referral Services</b> <ul style="list-style-type: none"> <li>• Conduct survey of courts and identified GBV service providers</li> <li>• Information gathering, collation and analysis of findings</li> </ul>	60
3.	<b>Development of Standard Operating Procedures</b> <ul style="list-style-type: none"> <li>• Compile findings and consolidate into a survey report</li> <li>• Prepare a survey report with key recommendations</li> <li>• Develop draft Standard Operating Procedures based on Recommendations</li> </ul>	25
4.	<b>Presentation of Findings to DJAG, FSVU, GBV Service Providers and RUNOs</b> <ul style="list-style-type: none"> <li>• Conduct presentation of review findings to DJAG, DfCDR, FSVU, RUNOs and other relevant government agencies.</li> <li>• Present final report and SOPs to NGOs and CSO service providers and key stakeholders</li> <li>• Publication of Standard Operating Procedures – digital and print</li> </ul>	20
5.	<b>Final report submission</b> <ul style="list-style-type: none"> <li>• Prepare and submit final consultancy report to UNDP detailing issues and next steps for the implementation of the Standard Operating Procedures.</li> </ul>	5
	<b>Total</b>	<b>120</b>

### Deliverables and Payment Schedule

Payments will be made based on the monthly reporting and progress update on key tasks and deliverables. Payments are strictly based on submission and acceptance of expected deliverables by designated approver(s).

No.	Deliverables	Tentative Deliverable Due date	Payment percentage (%)	Review and Approvals Required
1	Mobilization	Upon Signing of Contract	20%	PM/ARR
2	Submission of monthly progress report documenting progress on the Key Tasks and Deliverables.	30/10/20	20%	PM/ARR
3.	Submission of approved methodology and plan for the review including list of participants and organisations to consult.	30/11/2020	20%	PM/ARR
4.	Submission of monthly progress report for December, documenting progress on the Key Tasks and Deliverables.	20/12/2020		PM/ARR
5.	Submission of monthly progress report for January, documenting progress on the Key Tasks and Deliverables.	29/01/2021	10%	PM/ARR
6.	Submission of monthly progress report for February, documenting progress on the Key Tasks and Deliverables.	26/02/2021	10%	PM/ARR
7.	Submission of monthly progress report for March, documenting progress on the Key Tasks and Deliverables.	31/03/2021	10%	PM/ARR
6	Submission of the Final Report of the Consultancy at the end of 10 days	16/04/2021	10%	PM/ARR
	<b>Total</b>	<b>120 days</b>	<b>100%</b>	

### Resources Provided

UNDP will provide necessary support for the consultant to perform tasks defined in the Consultancy TOR.

### Education and experience

- Master's degree in gender studies, development studies, social science, or related field.
- A minimum degree in Law or Legal Studies with understanding of PNG's courts and legal systems will be an advantage.
- At least 10 years of hands-on experience on knowledge of systems for gender mainstreaming and capacity development in institutions as well as interagency collaboration.
- Experience on gender issues, gender-based violence and the ability to apply knowledge to strategic and/or practical situations.
- Experience and knowledge of setting up institutional or organisational structures and operations to support gender/GBV programming and coordination.

- Ability to develop, maintain, and strengthen partnerships with others inside or outside the organization including donors and NGO partners who can provide information, assistance, and support.
- A proven track record of high-level consultancy and advisory work for the UN, UNDP, and/or reputable international organizations.

### Corporate Competencies

- Demonstrates integrity by modelling the UN values and ethical standards.
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; and
- Treats all people fairly without fear or favour.

### Functional Competencies

- Excellent speaking and writing skills in English are necessary.
- High level planning, organizational and time management skills, including flexibility, attention to detail and the ability to work under pressure to meet challenging deadlines.
- Analytical and problem-solving skills of a high order, including the ability to formulate recommendations and advice senior management on tackling difficult scenarios.
- Leadership qualities, including the ability to make sound judgment, meet challenges constructively and creatively.
- Excellent interpersonal skills, including ability to establish strong cooperative relationships with senior government officials, civil society and donors.
- Ability to quickly adapt to change, and to remain calm under pressure; and
- Proven cross-cultural communication and the ability to function effectively in an international, multicultural environment.

### Evaluation

#### Cumulative analysis

The proposals will be evaluated using the cumulative analysis method with a split 70% technical and 30% financial scoring. The proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically, and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

When using this weighted scoring method, the award of the contract may 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 weighting; 70%

\* Financial Criteria weighting; 30%

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

Criteria	Points	Percentage
Qualification		8%

<ul style="list-style-type: none"> <li>• Master's degree in gender studies, development studies, social science, or related field.</li> <li>• A minimum degree in Law or Legal Studies with understanding of PNG's courts and legal systems</li> </ul>	8	
<b>Experience</b>		<b>50%</b>
<ul style="list-style-type: none"> <li>• At least 10 years of hands-on experience on knowledge of systems for gender mainstreaming and capacity development in institutions as well as interagency collaboration.</li> </ul>	10	
<ul style="list-style-type: none"> <li>• Experience on: <ul style="list-style-type: none"> <li>- gender issues gender-based violence and the ability to apply to strategic and/or practical situations</li> <li>- maintaining and strengthening partnerships with others inside or outside the organization including donors and NGO partners who can provide information, assistance, and support.</li> </ul> </li> </ul>	20	
<ul style="list-style-type: none"> <li>• Experience and knowledge of setting up institutional or organisational structures and operations to support gender/GBV programming and coordination.</li> </ul>	20	
<b>Competencies</b>		<b>12%</b>
<ul style="list-style-type: none"> <li>• A good understanding and knowledge of gender/GBV issues in the Pacific region and Papua New Guinea will be an asset;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Sound knowledge of the UN's and especially UNDP's mandate and role in electoral assistance.</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Demonstrates integrity by modelling the UN values and ethical standards;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; and</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Treats all people fairly without fear or favour.</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Excellent speaking and writing skills in English are necessary;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• High level planning, organizational and time management skills, including flexibility, attention to detail and the ability to work under pressure to meet challenging deadlines;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Analytical and problem-solving skills of a high order, including the ability to formulate recommendations and advice senior management on tackling difficult scenarios;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Leadership qualities, including the ability to make sound judgment, meet challenges constructively and creatively;</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Excellent interpersonal skills, including ability to establish strong cooperative relationships with senior government officials, civil society, and donors.</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Ability to quickly adapt to change, and to remain calm under pressure; and</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Proven cross-cultural communication and the ability to function effectively in an international, multicultural environment.</li> </ul>	1	
<b>Technical Criteria</b>		<b>70%</b>

**If necessary, interviews shall also be conducted as part of the technical evaluation to ascertain best value for money.		
<b>Financial Criteria – Lowest Price</b>		<b>30%</b>
<b>Total</b>		<b>100%</b>

### Documents to be included when submitting Consultancy Proposals

The following documents may be requested:

- a) Duly executed **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Signed P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- c) **Brief description** of why the individual considers him/herself as the most suitable for the assignment, and a methodology, if applicable, on how they will approach and complete the assignment. A methodology is recommended for intellectual services, but may be omitted for support services.
- d) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must stipulate that arrangement at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. **The financial proposal must be submitted separately from other documents.**

The P11 form and Template for confirming availability and interest are available under the procurement section of UNDP PNG website ([www.pg.undp.org](http://www.pg.undp.org) ).

### Lump-sum contracts

The financial proposal shall specify a total lump-sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump-sum amount (including travel, living expenses, and number of anticipated working days).

### Travel

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, they 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.

### Submission Instructions

Completed proposals should be submitted to [procurement.pg@undp.org](mailto:procurement.pg@undp.org) with mandatory email subject: **Consultancy: Technical Advisor to Review Courts and GBV Referral Services to improve Survivor Accessibility and Safety**, no later than **16<sup>th</sup> October, 2020**. For any clarification regarding this assignment please write to [procurement.pg@undp.org](mailto:procurement.pg@undp.org)

Please be guided by the instructions provided in this document above while preparing your submission.

Incomplete proposals and failure to comply with proposal submission instruction will not be considered or will result in disqualification of proposal.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

### Approval

This TOR is approved by:

Signature:	<u>Julie Bukikun</u>
Name &	<u>Julie Bukikun</u>
Designation:	<u>Assistant Resident Representative (ARR), UNDP</u>
Date:	<u>01-Oct-2020</u>