



## TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF CONSULTANT

### GENERAL INFORMATION

**Services/Work Description:** Training of the MOJ-Police SGBV Prosecutors and Relevant SGBV Service Providers

**Project/Program Title:** Strengthening Community Access to Justice, Community Policing and Effective SGBV Response

**Post Title:** National Consultant

**Consultant Level:** **Level B** (Specialist)

**Duty Station:** UNDP Gambia Country Office

**Expected Places of Travel:** N/A

**Duration:** 20 working days over a period of 35 days

**Expected Start Date:** September 27, 2021/ Immediately after Concluding Contract Agreement

### I. BACKGROUND / PROJECT DESCRIPTION

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

The UNDP RoL project has completed a series of consultations with the Ministry of Justice, the Judiciary, the Gambia Police Force (hereinafter, "GPF"), the Gambian Prisons Service, the National Agency for Legal Aid (NALA), the ADR Secretariat, the Law School of the Gambia, and the Gambia Bar Association to understand better the issues and challenges for strengthening the rule of law and increasing access to justice. Subsequently, a project document was developed and validated by the Government of the Gambia and its project board has approved the 2019, 2020, and 2021 Annual Work Plans.

The Gambian legislation defines and punishes Sexual Gender Based Violence (SGBV) crimes, criminalizes the performance of female genital mutilation/cutting (FGM/C), the procurement, arrangement, and assistance of FGM offenses, and the failure to report incidents of FGM. However, SGBV remains prevalent in The Gambia, with most cases going unreported due to stigma or mistrust of the legal system. Also, the few cases reported encounter setbacks due to pressure from families/friends to withdraw complaints, inadequate psychological or social supports, lack of concrete evidence, and delay in the prosecution of SGBV related offences.

SGBV poses significant risks to the health and well-being of women and girls, including physical injuries, psychological trauma, unwanted pregnancy, and sexually transmitted infections. In The Gambia, there is a need to better capacitate investigators and prosecutors with gender expertise to increase the prosecution of SGBV crimes and bring justice to survivors and victims. Targeted training to increase specialized expertise and a victim-centered approach in investigating and documenting sexual violence is critical in these efforts. In addition, strengthening the capacity of law enforcement and justice actors are crucial towards achieving accountability and justice for survivors of SGBV.

The Ministry of Justice established an SGBV unit (hereinafter, "MOJ SGBV Unit") comprised of a head of the unit, 15 state counsels, 9 police officers (2 investigators, 2 prosecutors and 5 child and

gender officers), and a social worker from the Department of Social Welfare (hereinafter, "DSW"). In 2019, through the Rule of Law project, the UNDP supported the training of 25 members of the MOJ SGBV Unit, a Social Worker, 9 Personnel from the Police Child and Gender Unit, including 10 trainers from the Police school, and developed an SGBV training Handbook. This training is a continuation of the previous phase as there is a need for further capacity training on the prosecution of SGBV offences to improve service delivery. It should also be noted that there are many police personnel working outside of Banjul who are the investigators and prosecutors for SGBV crimes and in need of training and support to increase prosecution rates in rural and peri-urban areas.

The training endeavors to increase access to justice under Sustainable Development Goal (SDG) 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

## **II. SCOPE OF THE WORK**

According to the relevant stakeholders, the lack of capacity of the MOJ SGBV Unit and The Gambian Police Force, including the Department of Social Welfare is one of the factors contributing to SGBV case backlog and inadequate support to SGBV survivors. Criminal cases require proper investigation including taking statements (survivor, witnesses, alleged perpetrator) and evidence gathering (searches, seizures, chain of custody, presentation of evidence in court, etc.) all while utilizing a survivor-centered approach.

As part of the effort to improve the investigation and prosecution of SGBV offences, the MOJ SGBV Unit and The Gambia Police Force have requested UNDP to support a comprehensive capacity building training to strengthen investigation, preservation of evidence, protection/care of victims to increase the prosecution of SGBV crimes. Based on the training, the police will be in a better position to investigate and preserve evidence of SGBV offences and also, the MOJ SGBV Unit, together with the Police and the DSW, will effectively support survivors of SGBV and the laws in place to prosecute SGBV crimes.

An increase in capacity of the Prosecutors, investigators and all other relevant SGBV stakeholders will foster greater trust between survivors of SGBV and the criminal justice system with the hope that more women, girls, boys and men will come forward to report cases and hold perpetrators accountable.

To that end, UNDP seeks the service of a national consultant to conduct a training for the MOJ SGBV Unit, police prosecutors from the Child and Gender unit of The Gambia Police Force and social workers from the DSW (in total 40 people). The training must include but is not limited to the following:

1. Highlight the different types of sexual violence, discrimination and gender inequality in the Gambian context. What types of SGBV are most prevalent?
2. Handling of SGBV related offences when there is minimal evidence.
3. How to assist SGBV survivors – Duty of Care, protecting confidentiality and privacy, ensuring coordination with other sources of support (psychosocial, medical, legal), engaging with family members, etc
4. The importance of preserving evidence, techniques on preserving evidence and the timely reporting of cases
5. How to handle and tender evidence in court.
6. Train prosecutors on how to prepare a case for prosecution.
7. Topics on psychosocial support for SGBV survivors and the survivor centered approach
8. Demonstrate to the participants how to develop sensitivity in perceiving existing gender issues and inequalities.

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9. Sexual Offences Act and other relevant legislation and its application in the prosecution of SGBV offenses.

## Objective

The objective of this training is to strengthen the capacity of the MOJ SGBV Unit, Police Prosecutors, personnel from the GPF Child and Gender Unit, and the DSW in The Gambia to prosecute SGBV crimes and provide improved justice and social services to survivors.

### The expected outputs for this assignment are-

1. An inception report detailing the work plan with clear activity deliverables
2. Facilitate consultation with stakeholders on drafting the training presentations and training guideline.
3. Incorporating inputs from all relevant stakeholders into the training guideline.
4. Conduct 2 trainings for the MOJ SGBV Unit, Police Prosecutors, personnel from the GPF Child and Gender Unit, and social workers from the DSW (40 in total).

## III. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
1	Submission of Inception Report, results of Capacity Assessment for target participants and schedule of trainings	10 working days	UNDP
2	Submission of draft Training Report and SGBV training guideline	10 Working days	UNDP
3	Submission of final training report with recommendations	5 working days	UNDP
4	Submission of training guideline	10 Working days	UNDP

### Indicators to evaluate the consultant's performance

All deliverables/outputs must be submitted in English and meet the satisfaction of the UNDP RoL project according to the following indicators:

- Quality of the deliverable produced
- The evaluation of the consultant's performance (the quality of the reports and products, the technical competence shown, and the timeliness of the reports) will be determined by the UNDP RoL in close coordination and consultation with MOJ and GPF

## IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- a. UNDP, through the Chief Technical Advisor for the RoL project, (hereinafter, "CTA ROLSHR"), will manage and oversee the process. The consultant would oversee and submit the deliverables to **the UNDP CTA for the ROLSHR project**.

## V. LOGISTICS AND ADMINISTRATIVE SUPPORT

UNDP will provide the training venue, procure breakfast, lunch and transport refund of participants if necessary.

## VI. DURATION OF THE WORK

- a. The duration of the consultancy is **20 working days over a period of 35 days**.

## VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

### a. Academic Qualifications:

- Advanced university degree in law, criminal justice, human rights, psychology, social sciences, or a related field.
- A combination of relevant academic qualifications and experience may be accepted in lieu of the advanced university degree.

**b. Years of experience:**

- Minimum 10 years of progressively responsible professional experience in criminal prosecutions with strong preference for experience in the prosecution of SGBV crimes and experience in the region.
- Minimum 5 years working experience in facilitating trainings/workshops on criminal justice, prosecution strategies, conducting prosecutorial capacity-building initiatives, with strong preference for candidates with experience conducting trainings related to prosecuting SGBV crimes.
- Prior experience working for UNDP and knowledge of its programmatic structures and processes is preferred; experience working for other parts of the UN system would also be considered an asset.
- The consultant is also required to have themselves or a member of their team with a professional background as a psychologist, sociologist, psychiatrist to provide the psychosocial component of the training.
- Knowledge and understanding of the local languages is an added advantage

**c. Competencies:**

- Extensive knowledge in criminal prosecutions.
- Demonstrable competency in drafting training manuals, policies and conducting trainings.
- Excellent teamwork, communication and interpersonal skills, computer, analytical, and report writing skills

**d. Language and other skills:**

- Excellent command of English.
- Capacity to communicate fluently with different stakeholders

**e. Compliance with UN Core Values:**

- Demonstrates integrity by modeling the UN's values and ethical standards
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

**IX. PAYMENT MILESTONES AND AUTHORITY**

The resource persons shall receive his/her service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

<b>Installment of Payment/ Period</b>	<b>Deliverables or Documents to be Delivered</b>	<b>Approval should be obtained</b>	<b>Percentage of Payment</b>
1 <sup>st</sup> Installment	Submit work plan and Final Inception Report	RR	10%
2 <sup>nd</sup> Installment	Submission of the prepared training materials and draft SGBV guideline	RR	50%
3 <sup>rd</sup> Installment	Training Report / Final Guideline	RR	40%

**XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS**

- The consultants during the term or after termination of the assignment, should not disclose any proprietary or confidential information related to the contract service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.

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## XII. ANNEXES TO THE TOR

**This TOR is approved by:**

**Signature:** *Abdou Touray*

**Name and Designation:** Abdou Touray, Head of Governance

**Date of Signing:** 16-Sep-2021