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## Terms of Reference (ToRs)

### for the Recruitment of Consultant to Conduct a Training on the Federal Prisons Proclamation.

#### GENERAL INFORMATION

**Services/Work Description:** Recruitment of a consultant to conduct training on the Federal Prisons Proclamation

**Project/Program Title:** Interim Support for Justice Sector Institutions

**Post:** National Consultant

**Duty Station:** Addis Ababa

**Duration:** 25 Working Days

**Expected Start Date:** Immediately after Signing the Contract

#### I. BACKGROUND / PROJECT DESCRIPTION

Since April 2018 the Government of Ethiopia has launched a series of bold and comprehensive justice reforms in the country. New initiatives aimed at broadening democratic participation, strengthening justice and the rule of law, creating accountable systems of governance have been undertaken. Legislative and Institutional reforms have been introduced in the justice system. Legislative reforms include the revision of the Charities and Societies Proclamation, Electoral Laws, the Anti- Terrorism Proclamation, Federal Courts Proclamation, the Judicial Administration Commission Proclamation, the Media Law, Criminal Procedure and Evidence Code and new legislation on Hate Speech. The Federal Supreme Court revised the Federal Courts Establishment Proclamation and the Judicial Administration proclamations. Institutional changes were made through the appointment of new leadership and structural changes. The Prison Administration and Federal Police Commissions were set-up under the structures of Attorney General and the (newly established) Ministry of Peace, respectively. Direct administration of non-judicial staff of the Federal Supreme Court as opposed to previous arrangement under the Civil Service Commission has been approved by the parliament and transition is underway.

Justice sector institutions are mainly entrusted with the responsibility of ensuring respect for the rule of law, protection of human rights and delivery of justice to citizens.



Coordination, collaboration, and harmonization of efforts among justice institutions is an important factor that contributes to the achievement of the goals of the justice sector reform. At Federal level, the Justice Sector Steering Committee (JSSC/ *Abiy (Main in Amharic) Committee*) comprising of the Federal Supreme Court, the Office of the Attorney General, the Federal Police Commission, the Addis Ababa Police Commission and the Federal Prison Administration, has developed a ‘Common Agenda of Institutions of Justice’, with a view to carrying out justice related operations in a coordinated manner. The Common Agenda outlines issues of common concern across the justice sector institutions. The Common Agenda is expected to be translated into a Comprehensive Justice Sector Program which will be implemented as of January 2022. The Interim Support to the JSSC focuses on implementing short term activities. Among these activities is a range of trainings on the recently enacted Federal Prisons Proclamation.

In the years leading to political and legislative reforms in Ethiopia, the effectiveness of prisons in rehabilitating and correcting inmates was an issue of public discourse. Gaps in respecting the human rights of prisoners have been reported as one of the problems in prisons. These and other gaps necessitated the need to make institutional reform in prisons which resulted in the enactment of the Federal Prisons Commission Establishment in 2019. This law repealed the former law, i.e., the Federal Prison Commission Establishment Proclamation No 365/2003. The new law was enacted due to the need to re-establish the Federal Prison Commission in a manner that would allow it to enforce the FDRE Constitution, international and regional agreements Ethiopia is a party to, and internationally recognized standards for the treatment of prisoners. The law introduced mechanisms to rehabilitate prisoners and reintegrate them into the society.

Therefore, the United Nations Development Programme (UNDP) in partnership with the JSSC, is commissioning capacity building activities on the new Federal Prison Proclamation for judges, prosecutors, the police and prison commission staff. To this end, UNDP is recruiting a consultant to prepare a training module and conduct two rounds of training on the Federal Prisons Proclamation for judges, prosecutors, police, and prison police.



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## II. OBJECTIVES OF THE SERVICE / WORK

The objective of this assignment is to build the capacity of justice sector institutions to effectively and efficiently implement the Federal Prisons Proclamation. The assignment is expected to: -

- Enhance understanding by the partner justice institutions in the practical application of the Federal Prison Proclamation
- Strengthen respect for human rights and basic principles for treatment of prisoners;
- Ensure that the handling of prisoners results in correction and rehabilitation;
- Ensure that due care and attention is given for groups with special needs such as children of incarcerated mothers and juvenile offenders.

## III. SCOPE OF THE WORK

The scope of the consultancy work will cover the following: -

- Prepare an inception report consisting of a work plan and detailed methodology on training manual preparation and delivery of the training.
- Develop the training module by paying due regard to the comments and feedbacks forwarded on the inception report.
- Provide two rounds of training for judges, prosecutors, federal and Addis Ababa police, and prison police.

## IV. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete for each consultant in days	Review and Approvals Required
i.	Inception Report (preparation, presentation to Focal Persons Committee, & incorporating comments)	6	Focal Persons Committee
ii	Training module (preparation, presentation to Focal Persons Committee, & incorporating comments)	15	
iii.	Conduct two rounds of training	4	

- Unless otherwise provided, all deliverables shall be produced in **Amharic**.



## V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultant has dual reporting responsibility to the Chair of JSSC and UNDP.

## VI. DURATION OF THE WORK

The overall consultancy period for all activities is 25 working days.

## VII. Methodology

- The consultant is expected to prepare the training module in such way that it is helpful to achieve the objective/s of the training and in consultation with relevant justice sector institutions
- The issues to be raised in the training shall be practical as much as possible by, among other things, incorporating practical case studies and reference to applicable regional and international laws
- The training is expected to be delivered paying due regard for adult training methodology.

## VIII. QUALIFICATIONS

### Functional Competencies:

- In-depth understanding of criminal law, criminal justice administration and relevant Federal Prisons Proclamation
- In-depth understanding of the Ethiopian legal system and international/regional legal frameworks
- Sizable experience in conducting research and developing work documents;
- Good communication and presentation skills;
- Good assessment and analytical skills;
- Be a team player and ability to work/liaise with various counterparts.

### Core Competencies: -

- Exhibits professionalism;
- Demonstrates integrity by modelling UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favoritism;
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

### Education

- Minimum Master's degree in law. (preferably in criminal law, criminal justice, human rights, constitutional and public law)



**Experience**

- Ten years of increasingly responsible professional experience in the substantive area.
- Extensive relevant experience in research, training and policy-level analysis.

**Language Requirements**

The consultant shall demonstrate proficiency in **English and Amharic**.

**Important Note:**

Only the applicants who hold the above qualifications will be shortlisted and contacted.

**XI. CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly; the Consultant will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals is:
  - a. Technical Criteria weight is **70%**
  - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	100
<ul style="list-style-type: none"> <li>▪ <b>Criteria a.</b> Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization &amp; completeness of the proposal</li> </ul>		50 pts*
<ul style="list-style-type: none"> <li>▪ <b>Criteria b.</b> Expertise in the areas of assignment including previous experience and team composition</li> </ul>		20 pts
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	30
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

**XII. PAYMENT MILESTONES AND AUTHORITY**

The prospective consultants will indicate the cost of services for each deliverable in US dollars’ **all-inclusive lump-sum contract amount** when applying for this consultancy. The consultant will



be paid based on the effective UN exchange rate (where applicable), and only after approving authority confirms the successful completion of each deliverable as stipulated hereunder.

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 <sup>st</sup> Installment	Upon submission, presentation and approval of the <a href="#">Inception Report</a>		30%
2 <sup>nd</sup> Installment	Upon submission, presentation and approval of the <a href="#">Training modules</a>	“	30%
3 <sup>rd</sup> Installment	After conducting two round trainings for two days each.	“	40 %

#### X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, prospective Consultants are given a proposed **Table of Contents**. Therefore, prospective Consultants Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

#### XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy 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 FSC.