Terms of reference

GENERAL INFORMATION

Title: Senior Specialist for Public-Private Partnerships Prisoners Reintegration Programme in Indonesia
Project Name: UNODC Sub-Programme 3
Reports to: Criminal Justice National Programme Coordinator
Duty Station: Homebased
Expected Places of Travel (if applicable): Jakarta
Duration of Assignment: 30 working days, starting November 2021 to January 2022

REQUIRED DOCUMENT FROM HIRING UNIT

TERMS OF REFERENCE

CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:
(1) Junior Consultant
(2) Support Consultant
(3) Support Specialist
(4) Senior Specialist
(5) Expert/Advisor

CATEGORY OF INTERNATIONAL CONSULTANT, please select:
(6) Junior Specialist
(7) Specialist
(8) Senior Specialist

APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

✓ P11 or CV with three referees
✓ Copy of education certificate
✓ Completed financial proposal
✓ Completed technical proposal

Need for the presence of IC consultant in office:

☐ partial (explain): The contractor will be home-based during his/her consultancy. No requirement to attend daily to the office, however, to be available for any meeting request by the supervisor.

☐ intermittent (explain):

☐ full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: ☐ Yes ☐ No
Equipment (laptop etc.): ☐ Yes ☐ No
Secretarial Services ☐ Yes ☐ No

If yes has been checked, indicate here who will be responsible for providing the support services:
< Enter name >
I. BACKGROUND

1. The UNODC Programme Office in Indonesia (POIDN) partners with the Government of Indonesia (GoI), civil society stakeholders, and donor partners to develop strategies and measures to enhance the criminal justice system’s responses to challenges. Under its prison reform programme, UNODC intends to provide technical assistance to strengthen the capacity of GoI’s institutions and personnel. In this case, to address prison over-crowding and build on recent COVID-19 responses by the Directorate-General of Corrections (DGC) and other government agencies linked to this policy, such as the Coordinating Ministry of Political, Legal and Security Affairs, the Ministry of Social Affairs, Attorney General Office, Indonesia National Police, National Narcotics Board, and the Supreme Court.

2. COVID-19 basic mitigation measures recommended by the World Health Organization (WHO) requires social and physical distancing. However, in light of the over-crowding situation, the increasing number of inmates has not been accompanied by changing imprisonment policies. Furthermore, COVID-19 has highlighted the challenges and vulnerabilities already present because of over-crowding.

3. In light of the pandemic, the DGC granted early releases for prisoners, regulated in the Minister of Law and Human Rights (MoLHR)’s Ministerial Decree Number 10 of 2020. Then it was revised with Decree Number 32 of 2020 to refine the conditions and criteria of the release mechanism. Although the issuance of the Ministerial Decree has succeeded in reducing prison over-crowding by 22 per cent and has proven to help increase the fulfilment of the prisoners’ rights in the facilities, it only lasts for a short period. The number of prisoners and their increases trends continues to rise again because the current criminal justice system still has over-incarceration tendencies affecting the high inflow of prisoners. Moreover, there are only limited outflow options for offenders. Lastly, the rehabilitation and reintegration programme need to be reinforced to reduce the number of recidivisms. As with other programs, recidivism became an issue in this policy as well.

4. Knowing that the Ministerial Decree and its early release program will tentatively expire in December 2021, many related works still need to be done. Mainly to make the early release options and their accompanying rehabilitation and reintegration programme sustainable in the future. The early release program can be considered a potential mechanism to help the effort of reducing prison over-crowding in Indonesia. Therefore, it is essential to consider the current challenges to operationalise this mechanism, manage it better, and identify what needs to be enhanced to build a robust program.

5. UNODC seeks to respond to the urgency and support the DGC’s effort to reduce prison over-crowding by complementing and refining its current release mechanism policy and framework to become more robust and sustainable. In addition, to help shape DGC’s early release system to function effectively and adhere more to international standards. In the long-term, the assistance addresses persistent over-crowding, preventing recidivism, and advancing prisoners’ social integration.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work

1. The consultant will provide expert inputs to analyse the applicability and framework that can connect public-private partnerships and employment opportunities to the prisoners’ early release mechanism. As a result, support the implementation of this mechanism as part of the
reintegration process and helps it to be more sustainable. In consultations with the DGC, the consultant will ensure that the deliverable(s) and output(s) under this consultancy reflect suitability to Indonesia’s context.

2. The consultant will conduct a gap analysis, including analyzing the Ministerial Decree of MoLHR Number 32 of 2020, incorporating the current legal and policy framework of public-private partnerships in Indonesia and constructing relevant legal and policy framework considerations for the program’s application.

3. The consultant will develop and design a public-private partnership scheme for prisoners who receive early release, such as through assimilation, parole or leave towards free or conditional leave.

4. Specifically, the consultant will be tasked to (i) conduct a desk study on the applicability of public-private partnership in prisoners reintegration and (ii) develop a gap analysis report on the implementation of public-private partnership program;

The specific task to be performed by the consultant:
Conduct desk-based research in consultation with relevant officials, practitioners, stakeholders and experts and other necessary tasks to identify and evaluate the existing application of the public-private partnership approach in the released prisoners’ reintegration process. With specific tasks:

a. Review the legal and policy matters and take stock of the relevant national and global experiences in public-private partnership in a prisoners’ reintegration programme.

b. Open consultation with key officials, practitioners, and other stakeholders, at the national and provincial levels to obtain context-specific knowledge, include a practical recommendation, and consider the elements enabling the public-private partnership approach. (Could be online or in-person depending on the COVID-19 movement restrictions).

c. Based on the findings of tasks 1.a and 1.b., carry out further legal and policy analysis to identify the applicability of the approach in the Indonesian context.

d. Present and validate the findings of tasks 1.a, 1.b., 1.c. with relevant counterparts by holding online (or onsite) meetings as resource person with DGC and other stakeholders and experts and addressing any feedback received.

e. Draft in English, the result of the research in tasks 1.a, 1.b., 1.c., 1.d. which is on the application of public-private partnership approach on prisoner’s reintegration programme. Finalise the draft based on feedback and findings from task 1.b validation activity above.

Expected Outputs and Deliverables
1. Submission of the first draft and final draft of the report on the applicability of public-private partnerships and employment opportunity for released prisoner’s mechanism, possible development, strengthening, and proposed strategies for the future.

2. Activity report of a National Level Workshop (be it in person or virtual) with DGC and related Ministry for the purpose of on the presentation of the findings and revisions draft of the desk study. The report shall note the inputs and points discussed, numbers of participants, and the summary of the discussion.
3. Submission of the final revised draft of the report on the applicability of public-private partnerships and employment opportunity for released prisoner’s mechanism, possible development, strengthening, and proposed strategies for the future

**Dates and details how the work must be delivered**

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<thead>
<tr>
<th>Deliverable(s)</th>
<th>Output(s)</th>
<th>Working Days</th>
<th>Completion deadline</th>
<th>Supervised &amp; Monitored By</th>
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<tr>
<td>A.</td>
<td>(i) Submission of the first draft and final draft of the report on the applicability of public-private partnerships and employment opportunity for released prisoner’s mechanism, possible development, strengthening, and proposed strategies for the future.</td>
<td>20</td>
<td>December 2021</td>
<td>National Programme Officer</td>
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<td>(ii) Activity report of a National Level Workshop (be it in person or virtual) with DGC and related Ministry for the purpose of on the presentation of the findings and revisions draft of the desk study. The report shall note the inputs and points discussed, numbers of participants, and the summary of the discussion.</td>
<td>5</td>
<td>January 2022</td>
<td>National Programme Officer</td>
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Institutional Arrangement

1. The consultant will perform its work in collaboration with one international consultant under the supervision and report directly to the Criminal Justice National Programme Coordinator, UNODC Indonesia.

2. The UNODC Country Manager and UNODC Indonesia Criminal Justice Team will provide overall guidance and supervision to the consultant and monitor and evaluate deliverables’ progress by conducting regular meetings or through emails at a minimum once a month.

3. During the contract period, the consultant is expected to coordinate closely and liaise with key counterparts (DGC and other government stakeholders).

4. UNODC will provide the necessary budget allocation to convene a consultative meeting with stakeholders. Support will be provided under the guidance of the National Programme Manager.

Duration of the Work

Thirty (30) working days, Starting mid-November to mid-December 2021
Duty Station

The consultant will be home-based during his/her consultancy. No requirement to attend daily to the office, however, to be available for meeting requests by the supervisor. Should the consultant need to travel, the UNODC will cover the travel arrangements.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualification:

An advanced university degree (master’s degree) in business administration, political science, public policy, international relations, international law, law studies, conflict studies, psychology, criminology, public administration, public-private partnership, corporate social responsibilities is required or first-level university degree in similar areas in combination may be accepted in lieu of the advanced university degree may be accepted in lieu of the advanced university degree;

Years of Experience:
1. Two (2) years of working experience for master’s degree or five (5) years of experience for first-level university degree working in development programs related to overcrowding strategies, rehabilitation and reintegration interventions, political transition, stabilisation, conflict mitigation, prison reform, governance and/or civil society is required.
2. Experience in working with an international organisation, donor agency, international funded projects, and/or relevant international knowledge exchange and elsewhere for project/programme/work related to overcrowding, restorative justice, reintegration of prisoners, and/or capacity building of corrections and MoSA’s officers is desirable.
3. Experience working with relevant stakeholders, such as local communities, NGOs, national and sub-national levels of government, is desirable.

Competencies and special skills requirements:
4. Knowledge of the correctional system in Indonesia, particularly related to overcrowding strategies, rehabilitation, and reintegration of prisoners, and/or capacity building, is required
5. Proven analytical skills to conduct research and analysis, identify the issue and recommend a solution
6. Demonstrated ability to work with persons of different ethnicity and cultural background
7. Strong reporting, communication, and interpersonal skills
8. Ability to work under pressure and handle multiple tasks simultaneously
9. Proficient in English and Bahasa Indonesia languages, spoken and written
10. Ability to operate MS-Office
11. Ability to work in a team
12. Effective planning and organising skills
**Cumulative analysis**

When using this weighted scoring method, the award of the contract should 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 weight; [70%]

* Financial Criteria weight; [30%]

Only candidates obtaining a minimum of 70 points would be considered for the Financial Evaluation

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<tr>
<th>Criteria</th>
<th>Weight</th>
<th>Maximum Point</th>
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<td><strong>Technical</strong></td>
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<tr>
<td><strong>Criteria A: qualification requirements as per TOR:</strong></td>
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<tr>
<td>1. An advanced university degree (master’s degree) in business administration, political science, public policy, international relations, international law, law studies, conflict studies, psychology, criminology, public administration, public-private partnership, corporate social responsibilities is required or first-level university degree in similar areas in combination may be accepted in lieu of the advanced university degree may be accepted in lieu of the advanced university degree;</td>
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<td>2. Two (2) years of working experience for master’s degree or five (5) years of experience for first-level university degree working in development programs related to overcrowding strategies, rehabilitation and reintegration interventions, political transition, stabilisation, conflict mitigation, prison reform, governance and/or civil society is required.</td>
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<td>3. Experience in working with an international organisation, donor agency, international funded projects, and/or relevant international knowledge exchange and elsewhere for project/programme/work related to overcrowding, restorative justice, reintegration of prisoners,</td>
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and/or capacity building of corrections and MoSA’s officers is desirable.

4. Experience working with relevant stakeholders, such as local communities, NGOs, national and sub-national levels of government, is desirable.

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<tr>
<th>Criteria B: Brief Description of Approach to Assignment.</th>
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<tr>
<td>• Understand the task and apply a methodology appropriate to the task and the strategy in a coherent manner.</td>
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<td>• Important aspects of the task are addressed clearly and in detail.</td>
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<td>• Logical, realistic planning for efficient project implementation.</td>
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<th>Criteria C: Further Assessment by Interview (if any)</th>
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