

CORE VALUES: INTEGRITY, PROFESSIONALISM, RESPECT FOR DIVERSITY**VACANCY ANNOUNCEMENT****TERMS OF REFERENCE**

Title:	Individual Consultant to conduct assessment of Criminal Justice Response to Gender Based Violence in the SADC Region
Organisational Section:	Regional Office for Southern Africa
Duty Station:	Pretoria, with possibilities of travel in the SADC region
Proposed period:	June – September 2019
Actual work time:	80 days

1. Background and introduction:

Gender-Based Violence (GBV) is rooted in inequality and patriarchy. It can take many forms and can include physical, emotional and sexual abuse. While both men and women can suffer from gender-based violence, it is predominantly women and children that fall victim to it. The most pervasive form of gender-based violence is violence committed against a woman by her partner. Many cultures have beliefs, norms and social institutions that legitimize and therefore perpetuate violence against women. Around the world, statistics shows that as many as one in every three women has been beaten, coerced into sex, or abused in some other way — most often by someone she knows including by her husband or another male family member. Similarly, in the Southern African Development Community (SADC) region there are major concerns on the high levels of gender-based violence. The SADC Secretariat considers gender-based violence (GBV) as a critical area of concern and has finalized the Regional Strategy on GBV and its Framework of Action in 2018.

The United Nations Office on Drugs and Crime (UNODC) is mandated to promote crime prevention and criminal justice responses to violence against women, in line with relevant international standards and norms adopted by the General Assembly, in particular the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,¹ as well as the Convention on the Elimination of all Forms of Discrimination Against Women and other relevant instruments.

UNODC has been instrumental in providing technical assistance to countries in the Southern African region, in particular in the areas of anti-human trafficking, victim empowerment, gender-based violence, and in HIV and AIDS prevention in prison settings. Through the Criminal Justice and Integrity Pillar of its Regional Programme for Southern Africa (2013-2020), UNODC has implemented projects to strengthen the criminal justice institutions in the region by improving

¹ A/Res/65/228, annex. See also the Declaration on the Elimination of Violence against Women, 1993, A/Res/48/104.

the effectiveness of investigation, prosecution, access to justice with focus on the needs of women and children.

2. Problem Statement

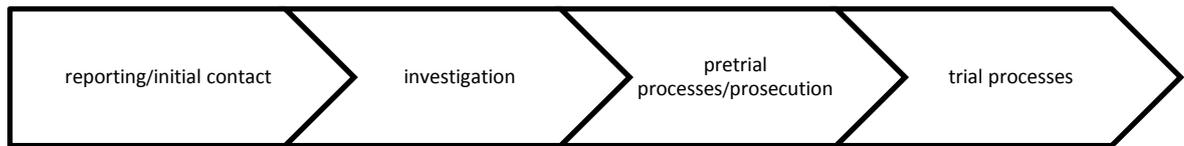
Although displaying differences in levels of development, and legal systems, many of the countries in the Southern African Development Community (SADC) region share a number of common challenges and threats, especially those related to GBV. Many countries have laws criminalizing GBV, yet despite these achievements, a gap exists in the punishment and sanctioning of these crimes. States have an obligation to prevent, investigate and prosecute GBV cases, yet implementation of legal commitments has been slow. The very infrastructure of justice appears to be failing victims. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system (CJS), its actors, and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. The criminal justice system (CJS) broadly refers to the system of law enforcement that is directly involved in investigating, evidence gathering, apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offences. It is evident that more efforts have to be put in place to effectively address the problem of Gender Based Violence in the SADC region.

Situational Assessments on Gender-based Violence conducted by UNODC in Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe between 2013 and 2014 covered developments in legislation, access to Justice, victim support and empowerment, prevention, capacity building, coordination and data management. The assessments showed that there is need for more effort to effectively address the problem of Gender Based Violence. This necessitates the need to conduct further and extensive research in specific areas of the response to GBV in order to inform actions at both regional and national levels. In this regard, there is need to expand the scope of the assessment done in the 5 countries in order to cover all the members of the SADC and to have specific focus on the response to GBV by the justice system. In addition, the SADC GBV Strategy was approved in 2018, and it is essential to identify current challenges that may hinder implementation of the criminal justice components, as included in the Regional GBV Strategy.

3. Purpose of Consultancy

The purpose of the assignment is to provide technical support to conduct an analysis on policing, prosecuting and adjudicating of GBV cases within the 16-member states in the SADC Region. The Consultant will report directly to the Gender Based Violence Focal Point at UNODC ROSAF and will further consult with the Programme officer from the SADC Gender Unit (this will essentially consist the task team). The consultant will contribute towards reaching the purpose of the project by supporting and undertaking the following:

- Identifying key trends on access to justice by women and girls that are victims of GBV generally; and in respect to each stage of the criminal justice process (reporting, investigation, pretrial/prosecution, trial)



- Identify key gaps, challenges that need to be addressed within the criminal justice system;
- Identify successes and best practices that need to be strengthened and expanded in the management of GBV cases within the criminal justice system;
- Review and analyze administrative data on GBV trends and related crime within the CJS in relation to outcomes from, the reporting of the offense to its outcome;
- identify current challenges that may hinder implementation of the criminal justice components, as included in the Regional GBV Strategy.
- Design of an improvement plan to address and support the analyses. The final assessment document will be utilized for purposes of developing an action plan to support the optimal functioning of criminal justice processes in SADC

4. Scope of Work

The assessment will explore gaps, good practices and key lessons, that exist within the criminal justice system, that may hinder/enhance optimal outcomes for victims of GBV. The scope of this assignment will entail several activities as follows:

4.1. Develop an initial project plan to present the methodology of the assessment

Following a project inception meeting with the task team, the consultant will present a detailed project plan reflecting the approach to be used for the assignment, including an Excel based workplan reflecting timelines and project milestones (collectively these deliverables will comprise the inception report).

4.2. Undertake a desktop review related to the good practices, gaps, lessons learnt of the Criminal Justice System response to GBV in SADC

- Identify GBV guiding documents and resources (legislation, regulations, memoranda of understanding, SOPs, etc) relating to the criminal justice system of SADC member states.
- The Task Team will assist in introducing the project and assist in the liaison with contact persons in the respective member states in SADC.
- Review current information/reports on GBV progress/gaps of the identified countries, including the 2014 “Report on Situational Assessments on Gender-based Violence in Lesotho, Mozambique, Namibia, Swaziland, Zimbabwe”; Regional Comprehensive Gender Based Violence Study, SADC Regional GBV Strategy, UN standards of practice and models.
- Present a draft report to the Task Team for review.

4.3. Develop relevant tools and instruments for information gathering on the assessment of the criminal justice system response to GBV

- Compile tools for the assessment of the criminal justice system response to GBV that can be administered at various settings, (telephonically, face to face, electronically), such as questionnaires, focus group discussion formats, telephonic interview guides, etc

- Develop an additional questionnaire to analyse trends and progress in the relevant countries as per the situational Assessment of the 5 SADC Member States completed in 2014
- A qualitative review of the 2 cases
- A guiding instrument to qualitatively review 2 GBV cases per member state
- All the Assessment related tools to be reviewed and approved by the task team.

4.4. Administration of tools and instruments compiled to Member States in SADC and data collection

- The questionnaire to be electronically disseminated to counterparts from each country for completion ahead of the regional workshop.
- Additionally, conduct qualitative telephonic interviews (minimum of 2 interviews per country) with national officials from the relevant 16 countries (government departments/ ministries / institutions and NGO's)

4.5. Consolidate feedback from different member states involved in criminal justice.

- Consolidate all inputs received from various service providers, to identify key themes related to systematic issues, concepts and descriptors.
- Various societal, legal, procedural and institutional factors that create barriers for victims of GBV to access justice system should be explored; understanding of the capacity and functionality of the service providers within the criminal justice system; and a critical analysis of the criminal justice processes.
- Identify and critically analyze key trends on access to justice for women and girl victims of GBV generally; and in respect to each stage of the criminal justice process (reporting, investigation, pretrial/prosecution, trial). Critically analyse the map of the Criminal Justice Processes within each country
- Identify gaps, challenges, that need to be addressed within the criminal justice system;
- Identify success, best practices, lessons, that need to be strengthened and expanded
- Review and analyze administrative data on trends in gender-based violence related crime (government data, NGO data, and police data) in relation to outcomes within the criminal justice system.
- Review effectiveness of any existing coordination mechanisms on gender-based violence related crimes.
- Analyse the outcomes of the assessment and develop broad recommendations for the region.
- Draft a report outline for approval by the task team.

4.6. Prepare a draft assessment Document and an Improvement Plan

- Once all content has been consolidated, draft an assessment report, which will include an improvement plan that makes suggestions for strengthening the criminal justice process and system, within respective countries, whilst also identifying strengths
- The Final Draft report should include the extent of addressing victims' rights in the legal process; patterns of reporting crimes and recording of norms; extent of

interagency collaboration; cultural norms and stereotypes related to GBV as informed by this assessment.

- Present the draft document to the working task team for approval

4.7. Present the Improvement plan and Final Draft report at a Regional workshop with member states and partners, for validation

- The collated responses as per drafted report will guide the focus of the Regional Meeting, and the relevant discussions.
- Consolidate the preparation of workshop agendas, select potential facilitators, submit for the approval of the task team.
- Facilitate the 2-day workshop, with approximately 50 participants from the relevant member states. The workshop arrangements will be managed by the SADC Gender Unit.

4.8. Compilation of Final Report

- The final report to include outcomes of the Regional Workshop and additional input provided by member states
- The final report and the "improvement plan" / project proposals should make reference to / or draw on the UNODC Model Strategies and related guidelines etc., e.g. A Practitioner's Toolkit on Women's Access to Justice Programming; Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women; Handbook on Effective Police Responses to Violence against Women; Handbook on Effective Prosecution Responses to Violence against Women and Girls; as well as identification of current gaps that may hinder implementation of the components based on the criminal justice processes and system as included in the Regional GBV Strategy.

5. Deliverables and timelines

- Inception report with timeframes
- Tools for assessment,
- PowerPoint presentations etc.
- Regional Workshop report with evaluation from participants
- Final assessment report, including key recommendations, an improvement plan, good practices and key lessons in the justice system response to GBV.

The following activities will be carried out as proposed in the table below:

#	Deliverables with criteria	Estimated working days	To be accomplished by:
1. Inception meeting report and workplan	3-5-page electronic Word document detailing proposed approach, including an Excel based workplan reflecting times lines and project milestones	3 working days	June 2019

2. Draft situational assessment report	A 10-20 pages electronic Word document detailing outcomes of the consultative processes	45 days	July 2019
3. Final PowerPoint presentation on the situational assessment	A PowerPoint presentation of the assessment and recommendations for improvement (maximum 30 slides)	5 days	July 2019
4. Final validated situational assessment report	A combined report of 15-20 pages in soft and hard copy (including an improvement plan and a narration of good practices and key lessons)	27 days	September 2019
TOTAL		80 days	

6. Location of assignment:

- Pretoria

7. Duration of assignment:

- This assignment will be completed within eighty (80) working days running from June 2019 to 20 September 2019.

8. Payment Schedule

The consultant will receive remuneration relevant to their qualification, experience, and in line with UN financial rules and regulations. Remuneration will be released in three separate installments subsequent to appointment of a successful candidate:

- The first instalment, amounting to 20% of the total cost of the contract will be released upon signature of the contract and UNODC's receipt and approval of a work plan
- The second instalment amounting to 40% of the total cost of the contract will be released following UNODC receipt and approval of a Draft report
- The 3rd and final instalment amounting to 40% of the total cost of the contract will be released upon receipt and UNODC approval of a final assignment report.

Payments will be based on the adequacy of the deliverables and a progress/activity report from the consultant on the status of the deliverables.

9. Indicators to evaluate the consultant's performance:

- Timely submission of deliverables;
- Due consideration given to ROSAF's inputs into submitted written work;
- Quality of written work;
- Results-oriented facilitation of Regional workshop;

- A comprehensive project improvement (work) plan
- Final Situational Assessment Report

10. Qualifications

Education:

- Advanced university degree in law, social sciences or police science.

Work Experience

- At least 10 years of experience in the related discipline, and familiarity with gender-based violence and services of victims in one or more countries in Southern Africa
- Knowledge of the social and political environment in the region.
- Previous experience from projects dealing with GBV is recommended.

Knowledge and skills

- Excellent knowledge of criminal justice responses to GBV and good understanding of gender-based violence issues in the SADC region;
- Excellent research and report writing skills are required;
- Excellent command of written and spoken English. Knowledge of or proficiency in French and or Portuguese would be an asset.

Qualified and interested candidates can submit their CV, UN P11 Form, Technical and Financial Proposal with milestones on or before the **09 June 2019**, to be emailed to takalani.godobedza@un.org or hand delivered to UNODC offices (1059 Francis Baard Street, 1st Floor, Hatfield, Pretoria, South Africa) and clearly marked UNODC Assessment of GBV Criminal Justice System in the SADC Region.

Any incomplete proposals or proposals received after this time will not be considered in the application process.

Enquiries

For technical queries, please contact: Linda Naidoo on linda.naidoo@un.org and Obakeng Mashaba on obakeng.mashaba@un.org on +27 124320832

These ToRs will also be available on the UNODC website:
<https://www.unodc.org/southernafrika/en/consultancies-and-opportunities.html>

Correspondence will be limited to shortlisted candidates only.

UNODC reserves the right not to make an appointment