

Request for qualifications

Terms of Reference (TOR)

For a Consultant to Conduct Training Course for Accommodation Providers in a Project to Secure Access to Justice for Witnesses with Mental and Intellectual Disability in the Judicial System of Lesotho.

Background

The Convention on the Rights of Persons with Disabilities (CRPD) provides for the right to equal recognition before the law and the right to access justice for persons with disabilities under Article 12 and 13 respectively. In line with the Convention, the landmark decision in **Koali Moshoeshe and Others vs D.P.P and Others (Constitutional Case/ 14/ 2017)** declared Section 219 of the Criminal Procedure and Evidence Act No. 9 of 1981 unconstitutional for excluding witnesses with intellectual or mental disabilities from testifying in courts of law by reason of incompetency. The effect of this judgment is that persons with mental and intellectual disability have legal capacity to testify in the courts of law. In order to effectively implement this right, Article 13 (1) of the Convention urges State Parties to ensure effective access to justice for persons with disability on an equal basis with others, including through the provision of specified accommodation to facilitate their effective role as direct and indirect participants, including as witnesses in all legal proceedings as well at investigative and other preliminary stages. States are accordingly enjoined to promote appropriate training for those working in the field of administration of justice in order to effectively promote an inclusive judicial system (Article 13(2)).

In Lesotho people with mental and intellectual disabilities continue to suffer severely as a result of continued exclusion from judicial processes. In particular the legal and attitudinal information and communication barriers restrict their active participation in all legal proceedings including at investigative stages and other preliminary stages. This renders people with intellectual disabilities vulnerable to a number of human rights violations including property grabbing and sexual assault as they cannot claim or defend their human rights before the courts of law. Lesotho National Federation of Organizations of the Disabled (LNFOD) in its mandate to advocate for the domestication of the CRPD and implementation of the rights protected in the Convention seeks strengthen access to justice for persons with intellectual disabilities through training of

accommodation providers (people who support people with intellectual disabilities to effectively give evidence and who can advise the institutions of administration of justice on adjustments and modifications required to support a witness with intellectual disabilities), to support witnesses with intellectual disabilities to realize their rights to access justice. The trainee accommodation providers shall comprise officers from; the Child and Gender Protection Unit (CGPU), the office of the Master of the High Court, the High Court, Legal Aid, Director of Public Prosecutions (DPP), Magistrate Court Office and the Intellectual Disability Association of Lesotho (IDAL).

Objective

To comprehensively train 15 personnel as accommodation providers for witnesses with mental and intellectual disability to access justice within the law enforcement and the judicial administrative system, through methodologies that combine theoretical concepts in law, disability rights and justice and a clear practical implementation guide for effective realization of this right on the basis of equality with others.

Scope of Work

- Train and mentor the selected participants to become intermediaries or accommodation providers for witnesses with psychosocial and intellectual disabilities in the judicial system of Lesotho.
- Advise LNFOD on the best means through which the trained participants can further develop their skills on provision of accommodations for witnesses with disabilities particularly witnesses with psychosocial and intellectual disabilities from the preliminary stages of investigations to the trial process.
- Develop a training curriculum and program for the workshop on training of accommodation providers in consultation with LNFOD program officer on access to justice for persons with disabilities.
- Conduct four day training on accommodations for witnesses with disabilities for the selected participants from the justice sector and disabled peoples' organisations on the dates and time agreed upon by LNFOD and the consultant.

Deliverables

- Inception report in the form of a program indicating how the training will be effectively conducted.
- A final report of the training detailing the outcome and recommendations for the mentorship of the participants.

REPORTING:

The consultant shall be supervised by the LNFOD Program officer on access to justice for persons with disabilities.

SERVICES AND FACILITIES

LNFOD will bear the costs of the training, accommodation and the return ticket of the consultant if the consultant is coming from abroad.

KEY QUALIFICATIONS AND ATTRIBUTES

Advanced degree in disability rights, human rights and at least 5years of experience working in the area of access to justice for persons with psychosocial and intellectual disabilities. In-depth knowledge of the sector and issues therein and a good understanding of the issues in the context of Lesotho or region. The consultant must have excellent writing skill, good research and analytical skills. Fluency in both Sesotho and English is a requirement.

SELECTION PROCESS AND CRITERIA

A Consultant will be selected for contract award in accordance with the LNFOD Procurement Guidelines, and is open to all eligible consultants and firms as defined in the guidelines.

The criteria and sub- criteria for selection of the consultant shall be as detailed below:

- General qualifications
- Experience and expertise to do the assignment
- Experience in the region and language requirements

SUBMISSIONS

Interested applicants should submit a short proposal briefly demonstrating applicants understanding of the terms of reference and outlining a methodology for conducting the work under the consultancy, a proposed work plan, CVs of the individual consultant to undertake the assignment, and an itemized budget and indication of the total cost of the proposed work plan and number of days. Applications and supporting documents must be submitted in English at the address below.

Attention:

The Executive Director

LNFOOD

22 Mabile Rd

Old Europa

Maseru 100

Email address: admin@Infod.org.ls.

The deadline for the applications of the consultant is the 26 March 2019.