

REQUEST FOR QUALIFICATIONS

Introduction

The Lesotho National Federation of Organisations of the Disabled (LNFOD) is implementing to ensure the protection and enjoyment of the right to access justice by persons with disability on equal basis with others. One of the components is to ensure access to justice for survivors with disabilities through the use of accommodations at the investigative, prosecutorial and trial stages of cases. LNFOD is therefore seeking the services for an independent consultant to prepare and conduct a three-day training on access to justice for persons with disabilities for the prosecutors and magistrates.

Background

Access to justice is a fundamental human right that is protected by law in Lesotho. The Constitution of Lesotho 1993 section 18 of provides for freedom from discrimination while section 19 provides for the right to equality before the law and the equal protection of the law. As far as persons with disabilities are directly concerned, section 32 of the Persons with Disabilities Equity Act of 2021 provides for the right to access justice to all persons with disabilities who appear before court whether in criminal or civil proceedings. The Convention on the Rights of Persons with Disabilities which Lesotho ratified in 2008 also directly provides for the right to access justice by persons with disabilities under Article 13.

Article 13 (1) states that:

“States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.”

And Article 13 (2) states that:

“In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.”

Finally, the precedential case of Koali Moshoeshoe and Others v DPP & Others CC/14/2017 has repealed Section 219 of the Criminal Procedure and Evidence Act 1981 for its unconstitutionality for providing that persons with intellectual and psychosocial disability cannot testify before the courts of law by reason of their disability status.

Problem Analysis

Despite this strong basis of legal protection by domestic legislation and obligations ensuing from international law, in practice, Lesotho is still lurking behind when it comes to the implementation of the above instruments. Introducing the institutional reforms especially in the criminal justice system through trainings has not been prioritized making it difficult to ensure actual enjoyment and the realization of these rights in practice. This has proved a major shortfall because of escalating violations like gender-based violence which mostly affects women and girls with disability as it is perpetuated with impunity owing to this gap. Recently, the Chief Justice of Lesotho has made the Disability and Equity (Procedure) Act 2023, pursuant to Section 32 of the Persons with Disability Equity Act 2021 on access to justice, to facilitate effective participation of persons with disabilities in judicial proceeding the procedural and age-appropriate accommodations.

A. Purpose

The aim is to support the office of the Director of Public Prosecution (DPP) and the Magistrate office to effectively accommodate persons with disabilities for them to practically participate in court proceedings without being discriminated based on disability. There is need to interrogate practical barriers that persons with disabilities encounter as witnesses in criminal proceedings to introduce suitable accommodations to remedy them, to guarantee access to justice on equal basis with others.

Specific Objectives

- To increase access to criminal access for persons with disabilities using procedural, age and gender appropriate accommodations.
- To raise awareness about persons with disabilities as equal participants in the criminal justice system using disability and equity court rules for persons with disabilities

B. Duties and Responsibilities of the Consultant The duties and responsibilities of the consultant are to;

- Design and submit the programme for the three-day workshop clearly defining and outlining the activities of the workshop.
- Conduct a three-day workshop in a participatory manner in close consultation with LNFOD human rights and advocacy officer.
- Write and submit the draft activity report to LNFOD advocacy and human rights officer for comments and approval.
- Address the comments and submit the final report to LNFOD human rights and advocacy officer by the 24th of July 2023

C. Deliverables

- a) Develop and submit workshop program prior to the workshop.

- b) Develop and submit the presentation outline of the workshop.
- c) Produce and submit the draft report and final report.

Outputs

Participants have acquired knowledge and skills to include persons with disabilities in judicial proceedings or processes on equal basis with others.

Reporting:

The consultant shall be supervised by the LNFOD human rights and advocacy officer.

Profile of consultant

- a) Primary expertise required: Have demonstrated skill to mainstream disability rights in development and specifically on disability related accommodations in the justice system.
- b) educational background: At least an advanced degree in Law and or Social Sciences especially in Human Rights Law or Disability Studies,
- c) Work experience: Have at least five years of experience working in the field of disability, disability rights and or human rights. Prior working experience of mainstreaming disability in law, policy and institutions will be an added advantage.
- d) Knowledge of disability rights and or experience working with disabled people's organizations and persons with disabilities will be an added advantage.
- e) Language: Excellent writing and communication skills in English Language
- f) Excellent negotiation, facilitation, and inter-personal skills
- g) Computer skills including use of internet and other office applications

Time Frame

The consultant will be engaged by LNFOD for a period of twenty days (15 days) running from the 3rd July to the 21st July 2023. It is expected that during period all the deliverables will be met.

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 working on disability rights

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.

SUBMISSIONS

Interested candidates must write and submit their short proposals including the budget for the consultancy at recruitmentlnfod1@gmail.com

OR

Attention:

The Executive Director

Lesotho National Federation of Organisations of the Disabled (LNFOD)

P.O box 9988

Maseru 100,

Naleli Sekamaneng road alongside Mariamabasotho Catholic Church

The deadline for the applications of the consultant is the 27th of June 2023.