

TERMS OF REFERENCE FOR INDIVIDUAL CONTRACTORS/ CONSULTANTS/ SSAs

PART I		
Title of Assignment	Amendment of the National Policy Framework: Management of Sexual Offences Matters (SO NPF)	
Section	Social Policy and Child Protection	
Location	Pretoria, South Africa	
Duration	5 months	
Start date	From: <i>As soon as recruitment is complete</i>	To: 31/07/2018

Background and Justification

Article 19 of The Convention on the Rights of the Child states “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

The South African Government is committed to establish a society that is free from all forms of violence, particularly those perpetrated against the most vulnerable persons.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, (hereinafter referred to as the Act), was enacted in 2007. The Act stands as a perfect example of a comprehensive piece of legislation that is rich with features that protect the rights of victims against sexual violence. It is an Act that puts emphasis on the progressive development of a Criminal Justice System (CJS) that is victim-centred, responsive and caring. It creates a wide range of new specific crimes to better respond to sexual violence perpetrated against children and persons with disabilities. With its expressed emphasis on leaning on the international trend of service integration, it further provides for the development of a policy framework to guide the integrated management of sexual offences.

Section 62(1) of the Act requires the Minister for the Department of Justice and Constitutional Development (now Minister of Justice and Correctional Services) after consultation with the cabinet ministers responsible for safety and security, correctional services, social development and health and the National Director for Public Prosecutions, to develop and adopt a national policy framework. Section 62(2)(b) further requires that the “Minister must review the policy framework within five years after its publication in the Gazettee...”. Section 63 of the Act establishes the Intersectoral Committee on the Management of Sexual Offences Matters referred to as the DG ISC-SO. This committee is required to draft the SO NPF and to make recommendations to the Minister regarding its amendment.

The first SO NPF was formally published in Government Gazettee on 6 September 2013. The process started in 2008 and involved all the implementing stakeholders, including civil society. Therefore, in compliance with the provisions of the Act, the SO NPF was reviewed in 2017/2018 in preparation of its amendment after approval of its review and amendment.

UNICEF provides the South African Government with technical advice to strengthen legislative frameworks and systems and ensure a responsive and protective approach for all children at risk of violence. It is in this context that UNICEF is supporting the Department of Justice and Constitutional Development (the DOJ&CD) together with the JCPS Cluster departments acquiring the services of an experienced service provider in the gender based violence field to assist the amendment of the SO NPF. The amendment must include a five year Inter Departmental Plan (IDP) as the Act provides that it must be reviewed and amended every five (5) years.

PURPOSE

The purpose of these terms of reference is to support the DOJCD to amend the Sexual Offences National Policy Framework (SO NPF) in line with the provisions of the Act and to advance the improvement of its implementation.

Scope of Work

1. **Goal and Objective:** The service provider will amend the Sexual Offences National Policy Framework (SO NPF) in line with the provisions of the Act and international norms to advance the improvement of its implementation.
2. **Provide details/reference to AWP areas covered:** This work relates directly to achieving Output 3.1: Existence of procedures and services for children in contact with law that are applied and delivered in line with international norms
3. **Activities and Tasks:**
 - 3.1. Attend an inception meeting DOJ&CD and UNICEF within a week (7 days) of agreement sign-off the between the service provider and the UNICEF. The service provider will be provided with the Review Report of the SO NPF of 2013 and all the reports of the implementation of the Act submitted to Parliament that have been printed or in the event such are not within the DOJ&CD, such will be searched by the service provider from Parliament web-site.
 - 3.2. Produce Project Plan within a week (7 days) of the inception meeting or earlier.
 - 3.3. Submit Draft Zero of the amended SO NPF within 7 days of the acceptance of the Project Plan.
 - 3.4. Present the Draft Zero of the amended SO NPF in consultation with the NT ISC-SO and NGOs and make revisions based on consultation inputs to produce Draft 1
 - 3.5. Present updated SO NPF (Draft 1) together with the DOJ&CD for adoption by the NT ISC-SO, NGOs and the JCPS Development Committee (the DEVCOMM) to produce draft 2.
 - 3.6. Amend and submit revised SO NPF (Draft 2) gathering comments from the adoption processes mentioned in 3.5 above to UNICEF.
 - 3.7. Present and revise the amended SO NPF (Draft 2) together with the DOJ&CD Chief Director: Promotion of the Rights of Vulnerable Groups to produce draft 3.
 - 3.8. Present the 3rd Draft of the amended SO NPF to the DG ISC-SO for in principle approval. Following this, final formatting and editing of the document into the Final Draft SO NPF.
 - 3.9. Submit the final package including: Final SO NPF, inception report, all Consultative Process Reports from all the consultations held with stakeholders for reference and documentation.
4. **Work relationships:** The service provider will report to UNICEF's Child Protection Officer. In addition the service provider will be working closely with the Chief Director: Promotion of the

Rights of Vulnerable who will be assisted by the Project Manager of Sexual Offences Courts Project and the Director: Victim Support and Specialised Services.

This will involve regular meetings with the service provider together with UNICEF and DOJ&CD in preparation for working meetings, consultations, facilitation and presentations to key stakeholders. The service provider will provide regular updates of progress and inform of any unintended findings that are relevant to the amendment of the NPF.

5. *Outputs/Deliverables:*

Deliverables	Duration (Estimated # of days or months)	Timeline/Deadline	Schedule of payment
DOJ&CD & UNICEF inception meeting with the service provider	7 days	6 April 2018	10%
Revision and finalisation of the project plan by the service provider and agreement with the UNICEF and DOJ&CD	7 days	13 April 2018	
Draft Zero (0) of the SO NPF amendment from the Review Report, amendment report and consultations	21 days	4 May 2018	40 %
Consultations with the NT ISC-SO and NGOs	1 day	11 May 2018	
Amend Draft Zero to Draft 1 of the SO NPF incorporating the consultative workshop comments	18 days	29 May 2018	
Presents with the support of UNICEF and DOJ&CD Draft 1 SO NPF for adoption by the NT ISC-SO, NGOs and DEVCOMM	2 days	5 June 2018	
Submit and present the 2nd Draft SO NPF after incorporation of inputs from NT ISC-SO, NGOs and DEVCOMM to the Chief Director (working session to incorporate any comments)	16 days	21 June 2018	30%
Present with support of UNICEF and DOJ&CD to the DG ISC-SO for comment and approval	1 day	29 June 2018	
Submit the Final Draft of the SO NPF from the inputs by the DG ISC-SO and the brief report on incorporation or none incorporation of comments to the Chief Director	7 days	6 July 2018	20%

Payment Schedule

Payment to the service provider will only be done upon satisfactory completion of each deliverable as per outlined schedule of payment.

Desired competencies, technical background and experience

- Advanced university degree in social sciences, development, public policy, law, or other related fields;
- At least 5 years' experience in working within the policy drafting and development environment.
- Experience in conducting research especially in the management of sexual offences environment.
- Good knowledge of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007.
- At least three years' experience of working with stakeholders within the Sexual Offences or Gender Based Violence Sector. Excellent knowledge of the South African context and national laws, policies and programmes related to children;
- Outstanding research and analytical skills, including strong ability to analyse, integrate and summarise information from a wide range of sources;
- Excellent writing skills in English, including a demonstrated ability to draft clear, concise and policy-oriented reports;
- Good computer skills, including familiarity with search engines and academic databases;
- Ability to work independently and to ensure high-quality deliverables; and
- Demonstrated capacity to carry out the assignment within the allocated timeframe.

Conditions

- As per UNICEF DFAM policy, payment is made against approved deliverables. No advance payment is allowed unless in exceptional circumstances against bank guarantee, subject to a maximum of 30 per cent of the total contract value in cases where advance purchases, for example for supplies or travel, may be necessary".
- The candidate selected will be governed by and subject to UNICEF's General Terms and Conditions for individual contracts" which can be downloaded at: https://www.unicef-irc.org/files/upload/documents/GTC_Institutional-Corporate%20Contracts.pdf
- The service provider is restricted to the time frames as agreed within the Project Plan. Any deviation from the agreed time frames shall be made in writing for approval of the revised time frames.

Risks

- Delays in scheduling of consultative meetings with relevant stakeholders.
- Availability of key stakeholders to attend consultation and/endorsement meetings.

How to Apply

Interested and qualified candidates are requested to submit their application to the following link: <https://www.unicef.org/about/employ/511814> by **02 April 2018**.

This notice will also appear on <http://www.unicef.org/about/employ/>, <http://www.unicef.org/southafrica> , UN Job List, UN Jobs.

Please indicate your ability, availability and daily/monthly rate (in ZAR) to undertake the terms of reference above (including admin cost if applicable). In addition, a proposed methodology for the

reviewing and amending of the SO NPF must be included within the proposal to make a case for meeting the deadline.

We invite you to watch a short video on the system on how to apply:
<https://www.youtube.com/watch?v=ePgDIQ9RVYs&feature=youtu.be>

If you have not been contacted within 1.5 months of the closing date, please accept that your application was unsuccessful. Regret emails will be sent only to shortlisted/contacted candidates.

UNICEF is committed to diversity and inclusion within its workforce, and encourages qualified female and male candidates from South African nationals, religious and ethnic backgrounds, including persons living with disabilities, to apply to become a part of our organisation

Applications submitted without a fee rate will not be considered.