



CONSULTANCY TO DEVELOP A MANUAL ON INVESTIGATING AND PROSECUTING SEXUAL GENDER BASED VIOLENCE FOR STAFF OF THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT OF THE GAMBIA

Contracting Authority	Institute for Human Rights and Development in Africa (IHRDA) and Women in Liberation and Leadership (WILL)
Funding	This assignment is within the framework of a Project on Supporting Enforcement of Gambia TRRC Recommendations on Sexual Gender Based Violence
Duration of consultancy	One (1) month
Expected Start Date of Consultancy	1 March 2024

TERMS OF REFERENCE

1. Contracting Authorities

The Institute for Human Rights and Development in Africa (IHRDA) is a Pan-African non-governmental organization created in 1998, based in Banjul, The Gambia, and working across Africa to promote and protect human rights and development in Africa. IHRDA offers pro bono legal counsel to victims of human rights abuses and represents them before regional and domestic judicial mechanisms; IHRDA conducts training workshops and other capacity-building activities for State and non-State actors in the promotion and protection of human rights; and facilitates access to relevant information to support the work of actors and stakeholders in the promotion and protection of human rights and development on the continent. Over the years, IHRDA has carried out projects at national, sub-regional and regional levels in Africa, touching on various human rights, access to justice and accountability issues, including issues related to social and economic rights.

Women In Liberation and Leadership (WILL) is a Civil Society Organization that seeks to empower, advocate for the protection, and support the lives, and rights of women, girls, and other marginalized communities in the Gambia. Since 2018, WILL has been leading a Gender Justice program and implementing activities to facilitate women and

girls' participation in The Gambia's Transitional Justice Process. Through this program, WILL worked closely with the Truth Reconciliation and Reparation Commission (TRRC) as well as communities to bring to light the experiences of women, girls and marginalized.

WILL designed a program of innovative interventions in collaboration with stakeholders and actors in the Transitional Justice Process, that sought to break down barriers which prevent victims from coming forward to tell their stories. In this regard, WILL introduced the Listening Circles method in The Gambia truth telling process, which creates a safe space where women can tell their stories without fear of stigma, shame, victim blaming, the fear of retaliation and any societal attitudes which privileges men. Additionally, WILL engaged communities and different stakeholders through Community Dialogues, Attaya Chats and through Transitional Communicators (The Kenelengs) to encourage a wider participation.

Upon publication of the TRRC report, WILL published a Shadow Report to the TRRC Report on Sexual and Gender-Based Violence (SGBV) to capture the perspectives of women, girls and marginalized communities on SGBV. WILL has been using the above-mentioned mechanisms to popularize the TRRC Report, the WILL Shadow Report on SGBV and the Government White Paper.

II. Background

The Gambia has been in transition since January 2017 when a new president, Adama Barrow, took office following general elections, ending a long history of brutal authoritarian rule under former President Yaya Jammeh. Over the past five years, the new government adopted a series of measures to mark the transition, including the creation of special mechanisms such as the Constitution Review Commission (CRC), the Janneh Commission to investigate the economic crimes of the past regime, the creation of the National Human Rights Commission (NHRC) and the establishment of a Truth, Reconciliation and Reparations Commission (TRRC) to document atrocities of the past.

The TRRC, having completed its two-year mandate, submitted its final report on November 25, 2021. This report documents atrocities committed against various individuals and institutions by the Jammeh regime and includes key findings on various events, activities and decisions of the past regime which resulted in egregious violations of human rights and undermining constitutionalism in The Gambia. It also includes a series of recommendations for the Government of the Gambia to implement. Government has admitted the report and initiated a process of developing a White Paper on implementation of the TRRC's recommendations, with the Ministry of Justice (MoJ) poised to lead the next phase of the transition that involves accountability for past crimes/violations.

An important aspect of the TRRC findings and the government White Paper is the prevalence of sexual and gender-based violence (SGBV) that was and that remains a cause for concern in The Gambia. The prevalence of SGBV in The Gambia is rooted in the patriarchal setting of The Gambia which prescribes roles for both men and women that translates into power, control and access to resources for men and less opportunities for women. In the Gambia, there are various forms of SGBV that affect women ranging

from Female Genital Mutilation, early marriage, sexual violence, poor maternal healthcare, inadequate access to education and finance, among others.

The TRRC in its findings noted that mass SGBV was committed in The Gambia and that, although both men and women experienced abuse and violations, the abuse and violence endured by women during Jammeh's 22 years of dictatorship are unique, because in most cases women were targeted on the basis of their gender. Additionally, findings from the report show that during Jammeh's 22 years of dictatorship SGBV was used as a weapon against those who were perceived as Jammeh's opponent, and to maintain power. The TRRC report strongly indicates in its different themes that women were subjected to different forms of SGBV, including forced nudity, sexual harassment, forced abortion, genital torture, rape etc.

However, although the TRRC made efforts to include women in the TRRC process, the TRRC was unsuccessful in getting many female survivors of SGBV to participate in the TRRC process. Thus, the TRRC in its report made specific recommendations for the need to raise more awareness around SGBV, work with communities to remove victim blaming and stigmatization of SGBV and build the capacity of institutions and policy makers on issues around SGBV. They made specific recommendations for the need to amend and repeal laws that continue to hinder the progress of women and girls, and to implement laws that are meant to protect women and girls from SGBV.

SGBV and the prosecution of various forms of criminal and human rights offences in the Jammeh era feature strongly on the TRRC report and the government White Paper. Besides the fact that many key actors within government institutions involved in the investigation and prosecution of SGBV do not properly master the subject matter, especially with regard to the law and ethical considerations, SGBV is one of the major areas of abuses that continue to prevail in The Gambia even beyond the Jammeh era, as it is more of a systemic challenge than a person-centred problem with a lot of impunity. Therefore, it is primordial to take steps towards tackling SGBV as a major priority in The Gambia's transitional processes.

Against this background, IHRDA is therefore working in partnership with Women in Liberation and Leadership (WILL) to develop a resource manual and conduct a training workshop on investigating and prosecuting SGBV in The Gambia. To complement the training workshop, a resource manual is to be developed to serve as a reference document and guide for implementing the knowledge and skills gained from the workshop, hence these terms of reference.

The terms and conditions for this consultancy work are set out below:

2. Objective of the Consultancy

The purpose of this consultancy is to develop a resource manual to go hand-in-hand with the training which will be distributed to government institutions (notably the Police, the Ministry of Justice, the Judiciary and NALA) to effectively investigate and prosecute SGBV matters, as envisaged in the government's White Paper on implementation of the TRRC recommendations.

3. Scope of the Consultancy

The Consultant will develop a resource manual which focuses on understanding SGBV and imparting knowledge in the area of investigation and prosecution of SGBV. The manual should be practical and provide holistic approaches from an SGBV and victim lens, given that the barriers to justice are educational, cultural, social and religious. The training workshop will draw from the content of the resource manual.

4. Tasks to be Performed by the Consultant

Based on the objectives and scope defined in sections 2 and 3 above, the Consultant will:

- i. Consult with the Executive Director of IHRDA or their delegatee to clarify the scope and expectations for the Consultancy, and agree on the methodology for developing the outline and the manual itself;
- ii. Develop an outline of the manual for IHRDA and WILL's review and input;
- iii. Develop the manual according to the agreed outline and submit a first draft to the IHRDA for review and input.
- iv. Incorporate comments from IHRDA and WILL's review into the draft manual and submit a final version to the Executive Director of IHRDA.

5. Deliverables and Timeframe

This Consultancy is expected to be completed in one (1) month. Key milestones to note are as follows:

Deliverable	Timeframe
Consultation with IHRDA Focal Point to clarify scope and expectations for the Consultancy and agree on the methodology for developing the resource manual	1 day prior to commencement of the Consultancy.
Development of an outline for the resource manual	One (1) week from start of the consultancy.
Review of draft manual by IHRDA and WILL	Within one (1) week from the date of receipt of the first draft of the manual.
Incorporation of comments and observations from IHRDA and WILL and submission of final outline for the resource manual	One (1) week after receipt of comments and observations from IHRDA and WILL.

6. Remuneration of Consultant

The Consultant will be paid a lump sum of Three Thousand Eight Hundred United States Dollars (US\$3800.00) for the assignment payable in two instalments as per a contract to be concluded with the Consultant.

7. Profile of Consultant

The suitable consultant must meet the following criteria:

- Holds relevant academic and professional qualifications;
- Demonstrate extensive knowledge of SGBV issues, including the handling of victims;

- Excellent knowledge of and familiarity with international criminal law, international human rights law, particularly on their substantive and procedural aspects;
- Experience in developing practical resource manuals and toolkits;
- Very good knowledge of and familiarity with the legal and political system of The Gambia;
- Very good knowledge of the transitional justice processes being undertaken in The Gambia;
- Ability to deliver to satisfaction within tight deadlines;
- Good interpersonal skills; and
- Excellent analytical and reporting skills.

8. Language Requirement

Excellent proficiency in English. The resource manual will be written in English.

9. Reporting

The Consultant will report to the Executive Director of IHRDA or a delegatee.

10. Submission of Applications

Submission of applications is as follows:

- The complete application should include:
 - A cover letter (demonstrating an understanding of the terms of reference and the personal capacity relevant to the assignment);
 - A CV;
 - Relevant academic qualifications;
 - A proposed methodology and structure for the manual;
 - Contacts of at least 2 referees, preferably from organizations for which similar assignments have been accomplished by applicant;
 - Any other material/information deemed necessary to support the application;
- All files should be in PDF format;
- Complete applications should be submitted via email to ihrda@ihrda.org and copied to crushwaya@ihrda.org, with the subject line: “Manual for the Investigation and Prosecution of SGBV in The Gambia”, no later than **Friday, 23 February 2024 at 1700hrs GMT**.

NB: Only shortlisted candidates will be contacted.