

THE REPUBLIC OF UGANDA
THE JUDICIARY
TERMS OF REFERENCE
FOR
CONSULTANCY SERVICES FOR THE DEVELOPMENT OF A COMPREHENSIVE COSTED
STRATEGY ON THE INSTITUTIONALISATION OF A SPECIALIZED SEXUAL AND
GENDER BASED VIOLENCE DIVISION OF THE HIGH COURT

IN COLLABORATION WITH UNFPA

1. Background and Objective

The Judiciary of the Republic of Uganda as an arm of state derives its mandate from Art.126 of the Constitution of the Republic of Uganda, 1995 in respect of administering justice on behalf of all people living in Uganda. Administration of justice is the core function of the Judiciary and this responsibility is shared in special circumstances with statutory established quasi-judicial institutions.

The Judiciary consists of three Courts of record: the Supreme Court, the Court of Appeal that doubles as the Constitutional Court, and the High Court. The High Court is the first Court of record in order of hierarchy and has unlimited original jurisdiction. The High Court is headed by the Honorable Principal Judge, who is responsible for the administration of the Court and has general supervisory powers over Magistrate's Courts.

The High Court is decentralized with twenty (20) High Court Circuits across the country in an effort to promote access in the administration of justice by bringing services closer to the people. In addition, it has eight (8) specialized divisions: the Civil Division, the Commercial Division, the Family Division, the Criminal Division, Land Division, Anti- corruption Division, International Crimes Division; Executions and Bailiffs division.

With the changing crime trends which has resulted into the growing number of sexual and gender based crimes, the Judiciary requires a specialized division to ensure efficient, effective, and timely adjudication of Sexual and Gender Based Violence (SGBV) cases.

Uganda is mandated under the Kampala Declaration of 2011 to establish special mechanisms/sessions to fast track disposal of SGBV cases.

Sex related crimes increased by 64% from 7,360 in 2009 to 12,077 in 2014. In the period of 2013 and 2014 alone, sex related crimes increased by 26% from 9,598 to 12,077. This has led to an increasing number of SGBV cases registered in Courts and thus necessitating a specialized High Court Division.

Once established, the SGBV Division will be the ninth of its kind in the Judiciary. The SGBV Division is expected to be strategically oriented and work in harmony with the already established structures.

The overall objective of the Comprehensive Costed Strategy on the Institutionalization of the Specialized Sexual and Gender Based Division is to break a new ground in adjudication of emerging SGBV cases.

To achieve this, the tasks are divided into 4 packages:

- (i) Development & submission of an Inception Report;
- (ii) Assessment of best practices for management of SGBV cases internationally and regionally;
- (iii) Development of a Comprehensive Costed Strategy with detailed strategies such as Mobile sessions, weekend session, specialized Judicial Officers and State Attorneys, among others; and
- (iv) Draft Practice Directions for establishment of SGBV Division.

2. Consultancy & Scope of Work

The Judiciary is seeking to engage Consultants / a consultancy firm to among others:

- a. Assess best practices for management of SGBV cases internationally and regionally including lessons learnt;

- b. Develop a Comprehensive Costed Strategy (Strategy) with detailed strategies including but not limited to mobile sessions, weekend session, specialized Judicial Officers and State Attorneys. The Strategy will formulate the project document and costing;
- c. Developing a business case for the establishment of a specialized Division of SGBV detailing funding and sustainability of the Division for its success in the immediate, medium and long term;
- d. Draft Practice Directions for establishment of the SGBV Division; and
- e. Complete the task within 60 working days of signing of the contract.

3. Methodology

The Consultants/ consultancy firm is expected to among others–

- a. Review the fourth Justice, Law and Order Sector Development Plan (SDP IV) on pertinent issues concerning SGBV cases;
- b. Acquaint themselves with the Judiciary Strategic Plan, Backlog Reduction Strategy, and all related ongoing or recently concluded initiatives aimed at enhancing adjudication of SGBV cases;
- c. Review the National Development Plan II, Vision 2040, Sustainable Development Goals 5 and 16, Kampala Declaration and the National Gender Policy and the Elimination Sexual and Gender Based Policy and Action Plan with regard to SGBV;
- d. Address and examine the current management of SGBV cases within the Judiciary;
- e. Liaise with, conduct meetings and consult with senior administrators and staff of the Judiciary, JLOS institutions and other relevant stakeholders;
- f. Review internal and regional best practices on specialised courts; and
- g. Review SGBV cases and reports.

4. Specific Tasks of the Consultant

The specific tasks for the consultants / consultancy firm shall include:

- a. Preparation of an inception report;
- b. Development of a Comprehensive Strategy with detailed strategies such as Mobile sessions, weekend session, specialized Judicial Officers and State Attorneys, among others. This strategy will formulate the project document;

- c. Drafting of Practice Directions for establishment of SGBV Division;
- d. Resourcing the Rules Committee meeting during consideration of the Practice Direction;
and
- e. Submitting hard and soft copies (Microsoft Office Word).
All finalized products shall belong to the Republic of Uganda.

5. Key Deliverables

The key deliverables for the consultants/ consultancy firm shall be:

- a. An Inception report;
- b. Comprehensive and Costed Strategy for institutionalization of a Sexual and Gender Based Violence (SGBV) Division of the High Court;
- c. Business case for the sustainability of the Court; and the
- d. Draft practice directions for establishment of SGBV Division for the Rules Committee's consideration.

6. Key Qualifications, Experience and Skills

The lead Consultant should possess an advanced university degree in *law* and a valid law practicing certificate. In addition, they should possess the following skills and competencies–

- a. Broad understanding of Uganda's Judiciary and Justice, Law and Order Sector;
- b. Technical, practical and conceptual understanding of the Judiciary in Uganda and the overall national response to SGBV;
- c. Over 7 years' demonstrable high level track record in understanding Judiciary and justice sector institutions;
- d. Demonstrable experience of developing projects for enhancing access to justice and worked with the Judiciary and or JLOS institution;
- e. Fluency in both written and spoken English;
- f. Excellent interpersonal relations and proven experience working with senior officials and administrators in the Judiciary and Justice Law and Order sector in Uganda; and
- g. Computer proficiency.

7. Team composition

The expertise of other consultancy teammates should comprise:

- a. A sociologist;
- b. Business analyst;
- c. Public sector management expert; and
- d. Economist.

8. Core competencies

Core competencies of the consultants / consultancy firm include:

- a. Ethics and integrity;
- b. Demonstrate corporate knowledge and sound judgment;
- c. Ability to present complex issues in simple and clear manner;
- d. Ability to work in a multicultural, multi ethnic environment;
- e. Facilitate and encourage open communication and strive for effective communication;
- f. Substantive knowledge and understanding of procedures, systems and structures at Police, Prosecution and Judiciary in Uganda and at international levels;
- g. Technical expertise on gender equality issues and more broadly, women's human rights, access to justice and the justice system in Uganda;
- h. Knowledge management to support documentation of lessons learnt and development of tools;
- i. Technical expertise, knowledge and experience in using Ugandan justice system approaches;
- j. Ability to undertake policy research and prepare qualitative and quantitative studies, utilizing statistical methodologies, knowledge of database applications for statistical analysis; and
- k. Excellent knowledge of gender issues and women's empowerment issues in Uganda.

9. Location and Reporting

The assignment shall be undertaken in Uganda. The Consultants / consulting firm shall report to the Judiciary's counterpart / technical team which shall be headed by the Judge in Charge Projects who will be supported by the counterpart team.

10. Duration

The consultancy shall be for a period of 60 working days as per the breakdown below.

Key Tasks	Allocated days
Prepare an inception Report	7 days
Field Consultations to collect data and information from JLOS stakeholders and courts	15 days
Develop a Comprehensive Costed Strategy with detailed strategies such as Mobile sessions, weekend session, specialized Judicial Officers and State Attorneys, among others. This strategy will formulate the project document	15 days
Meeting with quality assurance team/Judiciary counterpart team for the review of the strategy	15 days
Validation of the consultancy work at different court levels(Registrars and chief magistrates, judges of high court, Justices of the appellate courts)	6 days
Draft Practice Directions for establishment of SGBV Division and presentation to the Rules Committee/Top Management.	2 days
	60 working days

11. Payment

The Consultancy firm shall be paid upon the satisfaction completion of each of the tasks as agreed upon as follows:

- a) 30% payment upon presentation of an approved inception report;
 - b) 30% payment upon presentation of an approved comprehensive and costed SGBV strategy; and
 - c) 40% payment upon presentation and approved final report and exit meeting with top management.
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