TERMS OF REFERENCE

National Consultancy: Development of a Policy on Restorative Justice (specifically for domestic violence) and support for the implementation of practice (Guyana)

Country Office: Guyana - Suriname
Duty station: Georgetown
Consultancy title: Assessment and development of a Policy Options on Restorative Justice (specifically for domestic violence) and support for the implementation of practice (Guyana)

Supervisor: Child Protection Specialist
Duration of Contract: 56 Days

NOTE
The Terms of Reference is for a local consultant (individual) to assess the feasibility of the use of restorative justice for domestic violence cases in Guyana, prepare paper a policy paper outlining the proposed policy (along with policy options) and support the development of one type of restorative justice practice, specifically for domestic violence (and possible wider family violence cases in Guyana).

Background:

The Spotlight Initiative is a global partnership between the United Nations (UN) and the European Union (EU) to eliminate all forms of violence against women and girls in support of the 2030 Agenda on Sustainable Development. It was launched in September 2017 by the UN Secretary-General and the EU High Representative and Vice President (HRVP). This Initiative provides a model for partnerships with donors, civil society, and the UN to deliver on the SDGs in a comprehensive manner leveraging comparative expertise. SDG 5 and the achievement of gender equality are placed at the centre of efforts (alongside Goal 16) with the aim to provide an enabling environment for the implementation of all goals. Within the UN, the Initiative will operationalize the UN development system reforms and model a new way of delivering on the SDGs in an integrated way, leveraging collaborative advantages.

In Guyana, the Spotlight Initiative aims to address the root causes of Violence Against Women and Girls (VAWG) with an emphasis on prevention of family violence which includes sexual and gender-based violence, intimate partner violence and school-based violence.

For Guyana, one of the objectives in the programme is to create a specific policy on restorative justice for Domestic Violence. According to UNICEF, restorative justice is an approach in which the victim/survivor and offender, and in some cases other persons affected by a crime, “participate actively together in the resolution of matters arising from the crime, generally with the help of a facilitator.” Restorative justice is a way of responding to criminal behaviour which
emphasises repairing the harm caused by the crime and ‘restoring’ harmony as much as possible between offender, victim/survivor and society. It mainly involves some form of mediation and conflict resolution and often results in apologies, reparation, compensation and community service. In contrast to ‘retributive justice’, which focuses on punishing the offender via a two-way relationship (offender and state), ‘restorative justice’ addresses harm, needs, accountability and obligations via a three-way relationship (offender, victim/survivor and society). Restorative justice: makes the offender responsible for reparation of harm caused by the offence; gives the offender an opportunity to prove his/her positive capacity and qualities; tackles guilty feelings in a positive way; and involves others who have a role in conflict resolution including victims/survivors, parents, extended family members, schools and peers. Note that the application of restorative justice has to be assessed on a case-by-case basis and within families (especially) has to take into consideration the best interests of the child principle.

**Purpose of the study:**

The purpose of this assignment is to assess the feasibility of the use of restorative justice for domestic violence cases in Guyana, prepare a policy paper outlining the proposed policy (along with policy options) and support the development of one type of restorative justice practice, specifically for domestic violence (and possible wider family violence cases in Guyana).

**Scope and focus:**

The critical research questions to be answered in the proposed “model” national policy includes the following:

I. Feasibility of the use of restorative justice for domestic violence cases in Guyana (including an analysis of points for and against the use of restorative justice practices in domestic violence cases). This must take into consideration the level of resources/development – especially in terms of access to services for populations in the outlining regions and can consider/proposal any innovations in the policy design that may be suitable for Guyana’s context and any existing disparities.

II. Analysis of the systems that must be put in place for the effective roll-out of the policy and the paper must address any assumptions in the policy design.

III. Specific types of cases or typologies (both family violence and domestic violence cases) that are suitable for the practice of restorative justice practice (including specific practice)

IV. Recommended pre-conditions that must be in place for restorative justice practice for domestic violence cases

V. Specific needs (including legislative, policy and institutional- and monitoring mechanisms) by sector for the practice of restorative justice

VI. Specific policy, legislative and other plans that need to be revised- including recommended provisions to be included in any revised or new law/policy for the use of restorative justice

VII. Specific costs (including by sector) to influence budgetary allocations for restorative justice.

VIII. Examples of “low” cost initiatives- including for urban, rural and remote locations that restorative justice can be used. This will be instrumental in planning and promoting decentralised services.
Process and methodology:

The consultant will be expected to lead the desk review, draft tools for this assessment during the inception phase of the report, including tools for the focus group discussions and key informant interviews. These interviews may also include practioners (e.g. lawyers, doctors and social workers and/or allied professionals e.g. psychologists). Under the overall guidance of UNICEF, this consultancy will be conducted in the three following phases.

**Phase 1: Inception**
- Meeting with UNICEF and line Ministry to inform the preparation of a detailed workplan and schedule for the consultancy; discuss and proposed needs.
- Conduct desk review
- Draft tools for this assessment

**Deliverable 1:**
- Inception report with detailed workplan and template for final report

**Phase 2: Consultation, analysis and draft report**
- Conduct consultations with stakeholders (including from Government Ministries, the University of Guyana and Civil Society Organisations.)
- Prepare draft review report
- Report periodically to the supervisor of the consultancy. This provides the opportunity to discuss progress and challenges as they arise in performing the necessary functions.
- Present findings

**Deliverable 1:**
- Draft report with recommendations
- Draft briefing notes

**Phase 3: Finalisation of Deliverables**

The consultant will:
- within 2 weeks of receiving the comments, on the draft report the consultant will revise, if deemed necessary, the deliverables in phase 2,
- prepare final report and action plan in English and submit electronic word versions.

**Deliverable 3:**
- Final report and action plan
Data Management
The consultant is responsible for ensuring the absolute safety of all data (No data collected/reviewed for this consultancy or data to which the consultant is privileged during time of the consultancy, as direct or indirect result of being the consultant, can be shared and/or used by the consultant, neither can s/he approve the use of the whole or any part of it, for personal or professional purposes, other than those defined in these terms of reference, without approval, in writing, from all stakeholders jointly).

Study team composition and competencies:

The analysis will be conducted by a suitably qualified institution or person, selected on the basis of their ability to demonstrate the following competencies:

- Master’s Degree in Social or related Sciences and a minimum of 7 years of direct or related work experience (in policy development)– including knowledge of and working with government/civil society partners in the area of domestic violence.
- Or
- A Bachelor’s Degree in Social or related Sciences and a minimum of 10 years of direct or related work experience (in policy development)– including knowledge of and working with government/civil society partners
- Excellent and proven analytical skills
- Excellent and proven English writing skills
- Excellent organizational and communication skills, ability to prioritize and work with minimum supervision.
- Good understanding of the of child protection issues, criminal justice and child protection issues.
- Experience of facilitating consultation and workshops with both government and civil society partners.
- Sound knowledge of the Domestic Violence Act 2006 and the Sexual Offences Act and developments in the field.
- The consultant must be able to work independently.

Deliverables, timeframe and payment arrangements:

These are as follows:

Soft copies of reports must be submitted to UNICEF Guyana:
<table>
<thead>
<tr>
<th>Phases</th>
<th>End Product/deliverable</th>
<th>Working days</th>
<th>Payment (%)</th>
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<tbody>
<tr>
<td>Inception Phase</td>
<td>Inception Report including workplan, and data collection tools. Desk Review- including policy options and models on restorative justice for domestic violence cases in Guyana.</td>
<td>7</td>
<td>25%</td>
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</tbody>
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• Draft Recommended Restorative Justice Policy Paper  
Please note that findings will be included in field work and the contract will include costs to cover field work. Invoice to be submitted based on target audience and communities)                                                                                   | 25           | 25%         |
| Final Report- as per scope of work | Final Report  
Briefs for Policy Makers (including members of parliament)  
PowerPoint presentation (The consultant will be expected to present the findings of the study through a meeting organised by UNICEF.)                                                                                                                                                                                      | 10           | 25%         |
| Total                  | Supervision/Monitoring of at least one recommended practice                                                                                                                                                                                                                                                                                    | 14           | 25%         |
|                        |                                                                                                                                                                                                                                                                                                                                               | 56           | 100         |

**Conditions:**

- The nature of the contract will be temporary.
- The consultant is expected to conduct all work independently of the Ministry, in accordance with and in line with the accountabilities section of this ToR.
- Payment will be made on the mutually satisfactory completion of deliverables.
- All interested persons will be invited to submit a technical (first) and shortlist candidates a financial proposal.
- UNICEF will offset the financial costs of all field visits (and an advance payment will be made as per UNICEF rules to support field work) and the consultant is expected to organise his/her own travel and coordinate all key informant interviews/focus group discussions.