

TERMS OF REFERENCE

CONSULTANCY TO DEVELOP CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES-COMPLIANT BUDGETING GUIDELINES TO SUPPORT IMPLEMENTATION OF THE PERSONS WITH DISABILITIES ACT

1. BACKGROUND

The National Human Rights Commission (the Commission) is an independent national institution with a core mandate to promote and protect human rights in The Gambia. Key among other mandates of the Commission include the function to “promote awareness of, and respect for human rights through publishing guidelines, manuals, and other materials to explain the obligations of public officials in the protection of human rights.”¹

In July 2015, The Gambia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Having ratified the Convention, the country thus bears the responsibility of ensuring the “full realization of all human rights and fundamental freedoms for persons with disabilities” in The Gambia without discrimination, including by “modif[ing] or abolish[ing] existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.” The State is further required to “prohibit all discrimination on the basis of disability and guarantee equal and effective legal protection against discrimination on all grounds.”

In fulfilling this responsibility, the National Assembly in July 2021 passed the Persons with Disabilities Act which makes provisions for the health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment and work protection and promotion of basic human rights for persons with disabilities and for connected matters.

The enactment of the Persons with Disabilities Act 2021 requires that the Government provides substantial budgetary allocations to the Ministries, agencies and actors responsible for the implementation and enforcement of the Act. For this to happen, the national budget should be aligned with national commitment to disability inclusion and in compliance with the CRPD principles and standards. Thus, to realise the “leave no one behind” principle, the State, allocates sufficient public funds to realise rights of all persons with disabilities, promotes inclusion and gender equality in budget spending, ensure national expenditure and procurement processes are fully inclusive and CRPD-Compliant, promote the active inclusion of persons with disabilities in the entire budgeting planning and execution process. However, in The Gambia it is difficult to know the actual Government spending across all sectors on the implementation of the Persons with Disabilities Act since its enactment in 2021, although the UN PRPD 2021 Country Report “Situational Analysis on the Rights of Persons with Disabilities in The Gambia” indicate that the allocation of designated budget for Persons with Disabilities for public services amounting to 0.96 percent of the total budget in 2021. In the 2024 budget of the Ministry of Gender, Children and Social Welfare there is a budget line “Support to Differently Able People” which is likely to be funded to support Organisation of Persons with Disabilities and programmes and projects of disability rights. CRPD budgeting builds in comprehensive standards of the CRPD to assess and plan public resource allocation. This covers human rights of all persons with disabilities.

¹ Section 12(e)(v) of the National Human Rights Commission Act, 2017.

It is for this reason that the Commission seeks to hire the services of a consultant to undertake the design and development of a CRPD-complaint budgeting guideline and deliver a training of trainers on the same.

2. OVERALL OBJECTIVES

The consultancy is to develop a CRPD-Compliant budgeting guideline to support the implementation of the Persons with Disabilities Act 2021.

3. MAIN TASKS

- Undertake analysis of the Persons with Disabilities Act 2021, the Convention on the Rights of Persons with Disabilities, and other resources to inform the development of the Guidelines;
- Consultations with Relevant stakeholders;
- Design and develop a CRPD-Compliant budgeting guideline;
- Develop training materials/modules (using the Guidelines) and training plan for regular rolling out; and
- Conduct Training of Trainers using the training modules/materials.

4. DELIVERABLES

The Consultant will produce the following products:

- a. Inception Report detailing the methodology and work plan;
- b. Validated CRPD- Compliant budgeting guideline;
- c. Final validation report
- d. Training plan for regular rolling out;
- e. Training materials/modules on the Guidelines;
- f. Final training report; and
- g. End of assignment report

5. QUALIFICATIONS AND COMPETENCIES

Minimum master's degree in Human Rights Law, Education, Development Studies or other relevant Social Sciences, or any other relevant advanced academic qualification. A Doctorate in the identified fields and a minimum of five years of experience in education will be an added advantage.

- ✓ A minimum of seven (7) years of demonstrable experience undertaking research, training, teaching/lecturing, and consultancies in human rights, and development of guidelines
- ✓ Strong understanding of issues of disabilities and national budgeting process will be an added advantage.
- ✓ Excellent research skills will be an added advantage.
- ✓ Strong analytical and excellent report writing skills.
- ✓ Strong interpersonal and communication skills are required to undertake such work.
- ✓ Ability to work with very minimal supervision and deliver results within tight deadlines.
- ✓ Evidence of having undertaken similar work
- ✓ Excellent oral and written communication skills in the English language
- ✓ Computer skills: full command of Microsoft applications (Word, Excel, and PowerPoint) and common internet applications will be required.

6. TIMEFRAME/DURATION

The consultancy is for 30 working days from the date of the award of the contract. The Consultant shall work closely with the Technical Committee responsible with the supervision of the consultancy and hold relevant meetings to update them on the progress of the consultancy.

Application process

Interested candidates should submit an application to: advert@gm-nhrc.org.

The deadline for the submission of application, with all the relevant documents is April 2nd 2024.

Please note that only shortlisted candidates will be contacted. The NHRC is an equal opportunity employer. To view the full TOR please visit <https://www.gm-nhrc.org/vacancies-1>