



Ministério Público
Procuradoria Geral da República
Conselho Superior do Ministério Público

Terms of Reference (TOR)

Title of Assignment:	Individual Consultant on Technical Assistance (Advisory) on Gender-Based Violence (GBV) to Office of Prosecutor-General		
Host Institution:	Office of Prosecutor-General of Republic		
Duration of assignment:	6 months and may be renewed for the same or different period		
Duty Station:	Díli - Timor-Leste		
Deadline for submission of applications	15 working days from the date of publication of the advertisement	Submission to:	csmp@mp.tl paulina.araujo@mp.tl
Preferred start date:	July 2023		

I - BACKGROUND

Timor-Leste has signed and ratified several Conventions aimed at fighting domestic violence and gender-based violence (GBV), nevertheless alarming rates of violence and abuse are still in place, essentially affecting women and children, due to the inequality of power between men and women in homes, communities and throughout Timorese society.

According to the available data, it is estimated that 3 out of 5 women (59%), aged between 15 and 49 years, were victims of some type of violence throughout life perpetuated by intimate partners.

Concerned about this situation and the fact that gaps in the formal justice system are still noticeable and there is no effective and secure mechanism for the protection of victims/survivors of domestic violence and the VBG, despite the political and legislative reforms undertaken in the country, four UN agencies, UN Women, UNDP, UNFPA, and IOM, through the support of the Korea International Cooperation Agency (KOICA), launched a UN Joint Program, Together for Equality (*Hamutuk by Igualdade*): Preventing and Responding to GBV in Timor-Leste (2020-2024). The partnership supports Timor-Leste's implementation of its National Action Plan on Gender-Based Violence (NAP-GBV), led by the State Secretariat for Equality and Inclusion (SEII) and will collaborate with key line ministries and civil society organizations working to preventing GBV, provide support to key health and justice services, strengthen monitoring and reporting on violence in public and private spaces, and address GBV in the context of disaster risk reduction.

On the other hand, the National Parliament approved the Law No. 7/2010 of July 7 – Law Against Domestic Violence, in order to ensure respect for human rights and the integrity of the family as a

fundamental social and cultural unit of Timor-Leste, enshrined in the Constitution of the Democratic Republic of Timor-Leste, and to defend especially vulnerable groups such as women, children, the elderly and the disabled against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse and other ill-treatment.

This Law, in addition to establishing the legal regime applicable to the prevention of domestic violence and the protection and assistance to the victims, defines the crimes of domestic violence, which are of a public nature.

In this case, it is incumbent upon the Prosecutor General Office, as the holder of the criminal proceedings, in particular, to initiate the criminal proceedings; promote and implement measures in the defence and protection of the victim; carry out the investigation, listening to the victim, the accused and the witnesses; deduct charges against the defendant, as well as sustain the charges at trial; and accompany the proceedings in subsequent stages of appeal and enforcement of penalties, observing at all procedural stages the principles of legality and objectivity and the respect for human rights.

In the exercise of these constitutions and legal attributions, the Prosecutor General Office has faced numerous constraints and weaknesses, including the lack of prosecutors and bailiffs with specific training in domestic violence and/or GBV.

Being certain that the contact, the treatment in which the victim/survivor is given and their hearing during the investigation require some caution on the part of the prosecutors and bailiffs of the Prosecutor General Office and not only, in order to avoid any risk of secondary victimisation, such as feeling of stress, rejection, isolation, insecurity and feeling of injustice, embodied in the lack of information about the process, reluctance to follow up the proceedings, lack of claim for compensation, delay in decision-making, jeopardising their well-being.

Therefore, the Prosecutor General Office, in partnership with the United Nations Development Program (UNDP), intends to focus on the training of its prosecutors and bailiffs), to enhance the handling of GBV crimes to be victim/survivor-centred and trauma-informed, and define and implement new rules, guidelines and procedures for the care and hearing of victims/survivors of domestic violence in order to avoid any risk of secondary victimization.

To this end, it is necessary to recruit a national advisor, specialist in domestic violence and/or GBV, with excellent understanding of the context of gender inequality in Timor-Leste and women's rights, who will provide technical advice to the Attorney General of the Republic and to the Deputy Attorney General of the Republic, as well as to the Prosecutors of the Republic of First Instance and Appeal.

II – SCOPE OF WORK

The advisor shall provide technical advice to the Attorney General of the Republic, the Deputy Attorney General of the Republic and the Prosecutors of the Republic of First Instance and Appeal, in any necessary means to continue their constitutional and legal powers and attributions, in particular by issuing opinions in relation to cases of domestic violence and/or gender-based violence, preparing orders, reports, interventions and participating in meetings that the Attorney General of the Republic or the Deputy Attorney General of the Republic determine.

In addition to these functions, the advisor should provide training or facilitate/coordinate such training on gender sensitivity and the establishment of Standard Operating

Procedure/protocols/guidelines on survivor-centered GBV case handling throughout the entire criminal proceedings from case verification, investigation, indictment, appeal, to execution, in accordance with the Timor-Leste legal frameworks and international standards to the prosecutors and judicial officials.

III – JOB DESCRIPTION

- Provide technical advice to the Attorney General of the Republic, the Deputy Attorney General of the Republic and the Prosecutors of the Republic, necessary to continue their constitutional and legal powers and attributions, in particular related to issues of domestic violence and gender-based violence;
- Attend when necessary or is requested to the Attorneys's Office of the Republic of First Instance, and technically support the magistrates placed in these Attorneys's Office in the performance of the tasks related to the institutional exercise of the functions of Attorney of the Republic, with regard to domestic violence or VBG;
- Propose to the Attorney General of the Republic and the Deputy Attorney General of the Republic, whenever necessary, directives and instructions establishing mechanisms of criminal prosecution focused on victims/survivors of domestic violence or VBG, in addition to the daily coordination for efficiency of the Office;
- Facilitate the development of the standard operating procedure/protocol/guideline for Prosecutors and Bailiffs on the handling of domestic violence or VBG cases handling throughout the entire criminal proceedings from case verification, investigation, indictment, appeal, to execution, in accordance with the Timor-Leste legal frameworks and international standards;
- Organize, prepare and develop training programs and technical mentoring, approved by the Prosecutor General Office and the United Nations Development Program (UNDP), directed to prosecutors and bailiffs to enhance the handling of GBV crimes to be victim/survivor-centred and trauma-informed throughout the entire criminal proceedings;
- Supervise the performance of Prosecutors and Bailiffs in the handling of domestic violence and/or VBG cases;
- Issue opinions, prepare orders, reports, speeches, interventions, thematic matters, when necessary or more requested;
- Promote reflection on topics of interest in areas of activity of the Prosecutor General Office;
- Submit evaluation reports of trainees;
- Assess the training needs of magistrates and personally propose or develop training actions aimed at addressing the weaknesses found in gender, domestic violence and/or GBV;
- Support the Attorney General of the Republic in the preparation and execution of requests for international cooperation;

- Support in the organization and treatment of documentation received from international or similar organizations; and
- Collaborate in the international dissemination of Timorese legislation, particularly in countries that share similar legal references.

IV – OUTPUT IMPACT

- Specialization of prosecutors and bailiffs in domestic violence and/or GBV; and
- Implementation of new rules, guidelines and procedures for the care and hearing of victims/survivors of domestic violence and/or GBV in order to avoid major harm or possible risk of secondary victimization or feeling of injustice on the part of these same victims/survivors.

V – QUALIFICATIONS REQUIRED

- Having a graduate or master's degree in law, criminal investigation, criminology or other areas for purposes.

VI – PROFESSIONAL EXPERIENCE

- Having at least 5 (five) years of experience in implementing, managing and/or providing technical assistance to programs focusing on human rights, gender equality and gender-based violence and/or domestic violence;
- Excellent understanding of the context of gender equality in Timor-Leste and women's rights, particularly legal issues related to human rights, gender equality, domestic violence and/or gender-based violence;
- Strong commitment to the training of magistrates and bailiffs of the Prosecutor General Office;
- Ability to organize and provide training actions and transmissions of knowledge and good working practices focusing on cases of domestic violence and/or GBV;
- Ability to prepare and execute work plans and prepare reports, minutes/records and statistical maps;
- Experience as a trainer; e
- Strong ability to maintain good interpersonal relationships and teamwork.

VI – REQUIRED DOCUMENTS

- a) Request addressed to the President of the Superior Council of the Prosecutor General Office of Timor-Leste;
- b) Complete curriculum vitae;
- c) Certificate of educational qualifications/academic degree and proof of professional experience;
- d) Photocopy of the identification document; e
- e) Salary proposal.

VII – LANGUAGE MASTERY

- a) Mastery of official written and spoken languages (tétum and portuguese);
- b) Working proficiency in English.