



**UNITED NATIONS DEVELOPMENT PROGRAMME
UNDP Somalia**

Terms of Reference (TORs)

**Senior National Consultant - Access to Justice and
Gender Assessment of Key Rule of Law Institutions in Somalia**

A. Project Title: Joint Justice Programme, Somalia

B. Project Description

The Somalia Joint Justice Programme (JJP), launched in August 2018, is a 30-month programme supporting the Somalia National Development Plan (NDP) 2017-2019 goal to “Establish independent, accountable and efficient justice institutions capable of addressing the justice needs of the people of Somalia”. Since the NDP highlights the challenges faced by women to fully benefit from justice institutions, the JJP seeks to increase access to justice for the most vulnerable groups and particularly women. To this end, the programme will focus on two components. The first one relates to institutions and capacity building of justice actors and institutions to increase their capacities to provide gender responsive services. This will include among others: support to the establishment of special prosecutions cells for Sexual and Gender-based Violence (SGBV) cases, community dispute resolution centres, training of police, prosecutors and police, increase of women personal in justice institutions as well as specific legal reform. The second component will address the social changes needed to support the institutional reforms and seek to strengthen the demand side through legal aid and legal empowerment, transformational training for women leaders and traditional/religious leaders to increase the participation of women in traditional justice mechanisms and support for the establishment of community-based mechanisms to support women seeking justice or redress.

The JJP has been partnering with New York University to measure the impact of the Programme on perceptions, attitudes and behaviours with regard to women’s access to justice. A first baseline study has been conducted in Kismayo and Baidoa and will be expanded to Garowe and Hargeisa. The mid-term and final evaluations will place additional emphasis on perceptions, attitudes and behaviours towards access to formal justice institutions, police, Attorney General Office (AGO) and Courts. In complement to the New York University’s study, the JJP seeks to conduct a gender analysis of key justice institutions (formal and informal) regarding their responsiveness to women, children and other vulnerable groups, particularly minority clans and IDPS to facilitate well informed recommendations for implementation by the Joint Justice Programme.

Within this context, UNDP under the auspices of the UN Somalia Joint Justice Programme seeks to engage a Senior National Consultant to conduct the study in collaboration with a Lead Expert.

C. Scope of Work

The overall objective is to undertake an analysis of challenges to access to justice for vulnerable groups in Somalia and gender assessment of key justice and rule of law institutions to ensure a comprehensive support base is created for women clients and other vulnerable groups, especially minority clans and IDPS in order to provide well-informed recommendations. The outcome of the

study will complement the New York University study and will serve as a baseline to the Programme and provide strategic guidance for future implementation of the Joint Justice Programme.

The study will focus on the supply side of the justice system and target both traditional and formal justice systems including the Police, Attorney General's Offices and the courts. It will also include an assessment on the inclusion of women in justice institutions and the gender responsiveness of the services they provide, an analysis, (including social-economic and cultural obstacles) and proposed interventions to address the outstanding issues.

The scope of work will include but is not necessarily limited to;

- 1) Gathering of information and data related to the inclusion of women personnel in justice institutions and their level of participation/contribution as well as the gender responsiveness of those institutions;
- 1) Analysis of the situation of justice institutions (police, Attorney General's Office and Courts) regarding the inclusion of women personnel, their level of participation in those institutions and their contribution to the implementation of the institutions' mandate. The consultant will also identify and analyse the structural barriers such as the social, cultural and institutional obstacles if any;
- 2) Analysis of the functioning of justice institutions regarding cases involving vulnerable groups particularly women and girls, minority clans and IDPs. This will include collection of data regarding the type of cases and the institutions to which they were brought to, the response provided by those institutions, the adjudication process followed particularly by the traditional justice mechanisms (level and mode of participation of women in the process) and the interactions between those institutions particularly between the alternative dispute resolution centres, the police, AGO and the courts. The analysis will also include the social, economic and cultural factors that influence the response of those institutions towards women, children, minority clans and Internally Displaced Persons (IDPs).
- 3) Identify opportunities and entry points for the programme and proposed strategies to address the identified challenges with a view to ensure that the programme increases access to justice for vulnerable groups particularly women, children, minority clans and IDPs and contributes to their empowerment.

Methodology for the study:

The methodology used shall include a combination of desk reviews, interviews, site visit and focus group discussions. It shall be comprehensive (including detailed methods, techniques of data collection, analysis and sampling framework) and data collection tools. It will also provide a roadmap for the study with clear plan for engagement and explanation how quantitative and qualitative data will be collected and used in the study. Participatory techniques and other approaches for gathering and analysing data should be paramount in the assessment.

The study shall be of a consultative nature and will involve both national and international stakeholders which will assist the JJP to take the discussions forward for future interventions.

The key inputs to the assessment shall include but are not limited to; -

- An inception report outlining the consultants' approach and proposed methodology to undertake the tasks;
- Desk review of relevant documents (policy documents, reports, data already available). Both quantitative and qualitative data may be reviewed in relation to the work on elimination of

violence against women, sexual and gender-based violence as well as conflict related sexual violence, economic rights and social justice to identify areas of improvement/enhancement.

- Interviews and/or Focus group discussion with key stakeholders (staff at AGO, Ministry of Women and Human Rights Development, donors, civil society organizations, UN Agencies, International Development Law Organization (IDLO), traditional elders, women leaders, women clients, representatives from minority clans and IDPs and other actors at the national and FMS levels etc.)
- Observation of dispute resolution processes by traditional justice mechanisms and trial monitoring
- Identify the existence and capacities of key stakeholders across the GBV referral pathways in the targeted areas.
- Selection and analysis of sample case, per category of identified cases, and decisions from Justice institutions informed by a gender and conflict lens.

D. Expected Outputs and Deliverables

In coordination with the Lead Expert, the National Consultant will deliver the following:

Deliverables/Outputs	Estimated Duration to complete	Target due dates	Review and approvals Required	% of total professional fee
Inception report including workplan and proposed methodology to be developed in coordination with the Lead Expert. The National consultant's inception report shall include timelines for field visits, identification of stakeholders who will be interviewed and identification of coordination linkages with other stakeholders working on gender justice issues in Somalia	6 working days	Within one week of contract signature	Portfolio Manager, Rule of Law, UNDP Portfolio Manager, Rule of Law, UNDP	7%
Submission of analysis of the stakeholder interviews for inclusion in the comprehensive study for this assessment intervention which shall include field visits to Garowe, Baidoa, Kismayo, Jowhar, Mogadishu and Hargeisa.	58 working days spread over a three-month period	By the end of third and a half months of contract signature		64%
<ul style="list-style-type: none"> • Identify stakeholder participants (national and international) for one-day validation workshops in Mogadishu, Garowe and Hargeisa; • Prepare presentation on baseline methodology and findings for validation workshops. 	8 working days spread over a 15-day period.	By the end of fourth month of contract signature		9%
<ul style="list-style-type: none"> • Prepare detailed reports from the validation workshop for the final study report; • Provide cleaned-up datasets, and any coding used to evaluate the data. • Support the Lead Expert in the preparation of the final report. The details of the areas of work in the final report shall be provided by the national consultant at the time of presenting the inception report. 	18 working days spread over a one-and-a-half month period	By the end of contract term.		20%
Total	90 days			100%

E. Institutional Arrangement

1. Reporting Lines

The Contractor will work under the direct supervision of the UNDP Portfolio Manager on Rule of Law and Security in close collaboration with, the UN Rule of Law Global Focal Point (GFP) and the United Nations Assistance Mission in Somalia's (UNSOM) Joint Justice and Corrections Section (JJCS) and Rule of Law and Security Institutions Group (ROLSIG), United Nations Office of the High Commissioner for Human Rights (OCHR) and the Lead Expert.

2. Administrative Support

The UNDP will provide the following support:

- a) The consultant will work under UNDP 'duty of care' and will comply with all UNDP security regulations;
- b) When on mission outside the duty station, the Consultant will be entitled to a living allowance not to exceed the UN Daily Subsistence Allowance applicable rate;
- c) Mission travel outside the duty station will be arranged and borne by UNDP;
- d) The Individual Contractor will be required to have a personal laptop and should have access to internet when working from home.
- e) The UN will provide office space and facilities such as internet connectivity and access to office printers in UN offices as deemed necessary and based on availability.

F. Duration of the Work

A maximum of ninety (90) working days spread over a period of four-and-a-half months.

G. Duty Station

Duty station will be Mogadishu (Somalia) with field visits to Garowe, Baidoa, Kismayo, Jowhar, Mogadishu and Hargeisa. The Consultant may also be allowed to work from home to complete report writing with prior written authorisation by the UNDP ROL Portfolio Manager. The home-based work and the field-based assignment shall be clearly demarcated in the workplan by the consultant in consultation with the Portfolio Manager, Rule of Law.

H. Qualifications of the Successful Individual Contractor

Competencies:

Corporate Competencies:

- Demonstrates integrity by modelling the UNs values and ethical standards;
- Promotes the vision, mission and strategic goals of the UN/UNDP
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Treats all people fairly and without favouritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

Core Competencies:

- Awareness and sensitivity regarding gender Issues
- Accountability
- Creative problem solving
- Effective communication
- Inclusive collaboration
- Stakeholder engagement
- Leading by example

Functional Competencies

- Knowledge of methodologies and best practices for promoting gender equality, equity and women empowerment in general and in Somalia in particular;
- Proven ability to advocate and provide policy advice in gender equality, women's rights and women's empowerment;
- Sound practical knowledge on gender issues related to SGBV, social justice and/or economic empowerment and related strategies implemented by government institutions especially in conflict and post-conflict countries;
- Strong analytical, research and report-writing skills including ability to synthesise information from various sources using a combination of data collection techniques (interviews, legal research, observation and FGDs to draw from its key themes/issues to produce well written reports;
- Ability to develop and maintain strong partnerships with decision-makers and to relate to external partners including international organizations and NGOs including women's organizations, grassroots community groups, etc.,
- High degree of political acumen and sensitivity and demonstrated ability to achieve results in politically and operationally complex environments;
- Ability to assess and prioritize work needs as well as to multi-task and juggle competing priorities;
- Ability to work effectively individually as well as effectively within a team and, harmoniously with people from varied cultures and professional backgrounds;
- Outstanding presentation and strong public speaking, interpersonal and diplomatic skills as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Good knowledge of the UN System and understanding of inter-agency coordination processes is an advantage.

Education:

- Master's degree in Law, Social Sciences, Gender/Women's Studies, International Development Studies or another relevant field.

Experience:

- At least 5 years of relevant national/international working experience in international development sector, especially working on gender equality issues, social justice, access to justice for vulnerable groups;
- Experience and In-depth knowledge of capacity development programming on elimination of violence and discrimination against women and /or women access to justice;
- Extensive knowledge of international, regional and national gender standards and experience in best practices in promoting women's human rights and access to justice is highly desirable;
- Experience working on gender issues particularly related to SGBV, social justice and/or economic empowerment at either national or international level;
- Experience with implementing gender mainstreaming across various sections, including gender mainstreaming within human rights and justice programmes with the United Nations, national governments, international organizations and/or civil society organization in Somalia is highly desirable.
- Knowledge of Sharia and legal systems in Somalia
- Project implementation experience with the UN system is an advantage;

Computer Skills:

- Proficiency in data processing software such as SPSS, STATA and or other known relevant statistical programmes
- Excellent Microsoft Word and PowerPoint skills

Language Requirements:

- High level of proficiency in both written and spoken English and Somali languages.

I. Scope of Price and Schedule of Payments

- The financial offer should be quoted based on a professional daily fee up to a maximum of 90 working days.
- The total professional fee shall be converted into an output-based contract based on the weighted percentage corresponding to each deliverable
- On completion of each deliverable, the Contractor shall submit an invoice (UNDP Certificate of Payment). Payment under the contract shall be made following certification by the UNDP Rule of Law Portfolio Manager that the services related Deliverables specified in Section D above have been satisfactorily performed and the Deliverables have been achieved by or before due dates specified.

J. Recommended Presentation of Offer

Interested Offerors are required to apply via the UNDP jobsite system at <https://jobs.undp.org> on or before **May 31, 2019**. The application must include the following documents in **ONE SINGLE PDF DOCUMENT**:

1. Duly accomplished Letter of **Confirmation of Interest and Availability** using the template provided by UNDP (Annex II);
2. **Personal CV** indicating all experience from similar projects and specifying the relevant assignment period (from/to) as well as the email and telephone contacts of at least three (3) professional references;
3. **Technical Proposal:**
 - a) Brief description of why the individual considers him/herself as the most suitable for the assignment;
 - b) A methodology not exceeding five pages on how you will approach and complete the assignment.
4. **Financial Proposal:** that indicates the professional daily fee. Please add any other related costs (if any) in separate lines as per the template provided in Annex II

K. Criteria for Selection of the Best Offer

Applicants will be evaluated based on the following methodology:

Cumulative Analysis

Using the combined weighting scoring method, the award of the contract will be made to the applicant whose offer has been evaluated and determined as;

- a) Being responsive/compliant/acceptable; and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation;
 - Technical criteria weight: 70%
 - Financial criteria weight: 30%

Technical Qualification Evaluation Criteria - (70% of total evaluation; Maximum 70 points):

Technical Evaluation Criteria	Maximum obtainable score
<ul style="list-style-type: none">• Extensive knowledge of international, regional and national gender standards and experience in best practices in promoting women's human rights and access to justice.	10
<ul style="list-style-type: none">• Experience and in-depth knowledge of capacity development programming on elimination of violence and discrimination against women and /or women access to justice;	20
<ul style="list-style-type: none">• Experience on gender issues particularly related to SGBV, social justice and/or economic empowerment at either national or international level.	10
<ul style="list-style-type: none">• Knowledge of Sharia and legal systems in Somalia.	20
<ul style="list-style-type: none">• Project implementation experience with the UN system is an advantage.	10
Total Obtainable score	70

Only candidates obtaining a minimum of 49 points (70% of the total technical points) shall be considered for the financial evaluation.

Financial Evaluation Criteria (30% of total evaluation; Maximum 30 points)

The maximum number of points assigned to the financial proposal is allocated to the lowest price proposal. All other proposals receive points in inverse proportion. The following formula will be used to evaluate financial proposal:

$p = y (\mu/z)$, where:

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

μ = price of the lowest priced proposal

z = price of the proposal being evaluated

Final Score

The final score will be the sum of the two scores obtained for the technical and financial criteria. Any request for clarification/additional information on this consultancy shall be communicated to UNDP in writing via email at procurement.so@undp.org

L. Contract Award

Candidate obtaining the highest combined scores in the combined score of Technical and Financial evaluation will be considered technically qualified and will be offered to enter into contract with UNDP.

M. Annexes

Annex I: Individual Contract template and General Terms & Conditions of Individual Contract

Annex II: Offeror's Letter to UNDP confirming Interest and Availability (Financial Template)

Due to the large number of applications we receive, only successful applicants shall be notified of the outcome.