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TERMS OF REFERENCE

Location:	Maputo, Mozambique
Application Deadline:	September 2019
Type of Contract:	RLA
Languages Required:	Portuguese
Expected Duration of Assignment:	90 days
Post Title:	Consultancy - Baseline Study on Access to Justice in Mozambique 2015-2019
Agency Project Title:	Strengthening Access to Justice and the Protection of Human Rights in Mozambique 2018-2021

1. BACKGROUND

In Mozambique, women and girls between 10 and 24 years old are regularly subjected to physical and sexual violence and early sexual initiation, leading to high levels of early marriage, early pregnancy and HIV and AIDS. It was in this context that Mozambique joined the Spotlight Initiative, a Global Program resulting from a partnership between the European Union and the United Nations which aims at contributing to the achievement of the Sustainable Development Goals (SDG) Agenda 2030, specifically SDGs 5 and 16.

In Mozambique, the program was launched on 8 March 2019 and is implemented in collaboration with the Government, namely the main sectors of implementation of the Multisectorial Mechanism of Response to Gender-Based Violence, namely, the Ministry of Gender (Including INAS), Ministry of Health, Ministry of Justice, Constitutional and Religious Affairs (including the Instituto Do Patrocínio E Assistência Jurídica - IPAJ - and the CFJJ), and the Ministry of Interior.

Other sectors involved are the Ministry of Economy and Finance (including the INE), Ministry of Education and Human Development (MINEDH), Ministry of Science, Technology and Higher Education (including INEP and Universities), Ministry of Culture, Ministry of Youth, Ministry of Communication and Transport (including ICS, TVM, RM).

Various NGOs will be also partnering to the program through the National Reference Group of the Civil Society. Other relevant State Non-Governmental Institutions are: The Parliament, the Ombudsman's Office, the Supreme Court, the Attorney General's Office, the Supreme Council of Magistrates, other Legal Entities (IPAJ), Lawyers), Family and Juvenile Courts.

To challenge the phenomena VAWG (violence against women and girls), the the United Nations (UN) and the European Union (EU) have embarked the Spotlight Initiative. The Spotlight initiative is a global a joint multi-year program which aims at eliminating all forms of violence against women and girls. The focus of this initiative is to contribute to a country where all women and girls are free from all forms of gender-based sexual violence (SGBV) and harmful practices so that they can enjoy sexual and reproductive health and rights.

The main focus areas of the Spotlight Initiative are:

- Preventing Gender-Based Sexual Violence;
- Preventing Premature Marriages;
- Adolescents and young women (10-24);
- Sexual and reproductive health rights (DSSR);

- Transformative prevention and integrated response.

In Mozambique, the program is being implemented at the central level and in three selected provinces, namely Gaza, Manica and Nampula because - for the Mozambican program - they offer opportunities to involve population at greater risk on a significant scale. The following districts were identified by province:

- Nampula: Angoche, Mogovolas, Moma and Nampula City (provincial capital)
- Manica: Mossurize (border district); Tambara and Chimoio (capital of the province, with focus on Gondola), and
- Gaza: Chongoene, Chicualacuala (border district) and Xai-Xai (provincial capital).

The main strategic results expected with the implementation of the Spotlight Initiative in Mozambique is to catalyze and strengthen multisectoral responses to put an end to one of the most widespread violations of human rights in the world, specifically: (i) strengthening the legislative framework and policies; (ii) building gender-sensitive state institutions; (iii) supporting evidence-based prevention programs to promote gender-equitable social norms, attitudes and behaviors; (iv) ensuring essential and quality services for victims; (v) eliminating gaps in relation to the lack of data; (vi) and strengthening women's rights groups and civil society organizations working for change.

Consistency with existing programs: Synergies and complementarities with existing and new relevant programs will be developed to implement this initiative, especially to avoid duplication of activities and transaction costs for Implementing Partners.

2. INTRODUCTION

Access to justice and law is a basic principle of the rule of law as well as a right recognized under the main international and regional human rights instruments. As a guarantee of the effectiveness of individual and collective rights and the rule of law, the Government of Mozambique considers access to justice and law a fundamental right recognized by the Constitution of the Republic of Mozambique (CRM), and is committed to protecting access justice and to ensure its protection through the various political and regulatory instruments of the sector, including the Government's Five-Year Plan 2015-2019, whose strategic objective IV aims to "ensure closer and fairer justice for all, focusing on effectiveness of fundamental rights, duties and freedoms of citizens whose materialization prioritizes the need to ensure greater access of citizens to justice and law and to promote research projects on justice matters ", and the Integrated Strategic Plan of the Administration System of Justice.

Notwithstanding its importance and interventions by the Mozambican Government during the last quinquennium, access to continuing justice is an exclusive right for some and not comprehensive. Some of the problems of access to justice for the Mozambican citizen are:

- i) **Limited citizens' access to local justice services and legal aid and legal assistance services:** There is a significant gap between the demand for justice and the system's ability to meet this demand on a national scale. This is mainly linked to (i) the poor availability of human resources; ii) the significant geographical distance between the courts and large portions of the population and the predominant use of the Portuguese language in the courts, unknown to the population; iii) the inadequacy of the legal regime for exemption from court fees remains one of the main factors limiting citizens' right to access to justice.
- ii) **Weak concrete and indiscriminate judicial enforcement and cross-cutting issues:** There is weak capacity of judges, prosecutors and lawyers in the interpretation and application of national and international law and human rights standards which have important cross-cutting ramifications for the criminal justice system. Mozambique and in the sphere of individual and social rights. Cross-cutting areas of the sector are the national response to domestic and gender-based violence and the fight against HIV / AIDS, the dominance of law enforcement and jurisprudence in these areas still weak, and the structural problem of overcrowding in the Mozambican prison system. Mozambique suffers a structural condition of overcrowding of prisons and as a result detention conditions barely meet minimum human rights standards, in particular with regard to access to water, food, medical care and sanitation, with a high coefficient of the prison population affected by HIV / AIDS. Within the scope of the Legal Reform underway in the country, the Penal Code (Law 35/2014),

which establishes, among other institutes, alternative penalties to imprisonment was approved. Nevertheless, its implementation has been slow on the part of the judges. These challenges, together with the exuberance of the procedural volume for each magistrate, determine a solid stagnation of judicial execution. Moreover, the manifest judicial corruption undermines all reform efforts and the hope of an equitable justice.

- iii) **Limited availability of quality data on access to justice, especially existing justice services for the most vulnerable groups:** there is a lack of available data from the justice sector on what types of cases are reported by whom and subsequently tried; which aggravates evidence-based planning and policy-making, in particular to secure responses in the areas of interventions for women, youth, victims of gender-based violence and domestic violence, children as well as people affected by HIV / AIDS, people with disabilities and inmates among other vulnerable.

The lack of timely and relevant legal and human rights information and data for evidence-based planning and policy-making is a major problem for the development of evidence-based sectoral policies that can be monitored, evaluated and improved. There is therefore a need for further investigation into access to justice in Mozambique.

Accordingly, the MJCR intends to prepare a **Baseline Study on Citizens' Access to Justice Services 2015 – 2019**. The study will be conducted with the support of the **Project "Strengthening Access to Justice, Promotion and Human Rights Protection 2018-2021", activity 1.2.1**. The project was launched in November 2018 and aims at strengthening access to justice and the promotion and protection of human rights with a focus on women, PLHIV, prisoners and other vulnerable groups, as well as to strengthen the capacity of lawmakers and law enforcement agents to prevent and combat gender-based violence and to deal with situations arising from stigma and discrimination associated with HIV and AIDS in Mozambique.

The baseline will contribute to the following project results:

Outcome 1: "Increased Access to Justice at national and local level, focusing on leaving no one behind",
Output 1.2: "Strengthening Provision of Justice Services at Local Level".

These TORs also allow, within the scope of the **Spotlight Initiative**, to implement **Activity 5.2.4: Implementing the justice sector baseline to assess the current state of justice services**.

Outcome 2: "Quality, disaggregated and globally comparable data on different forms of VSCMR, including VSBG / PN, collected, analyzed and used in accordance with international standards to inform laws, policies and programs."

Output 2.1: "Quality data on girls and women victims of sexual violence prevalence and/or incidence, including GBV, are analyzed and made publicly available for monitoring and reporting on SDG indicators 5.2 and to inform evidence-based decision making."

3. SCOPE OF WORK

The final goal of this consultancy is to support the MJCR in the elaboration of a baseline study on the access to justice in Mozambique, with a particular focus on the most vulnerable persons, in the period 2015-2019. This baseline study will serve as an evidence-based lobbying and advocacy tool and will inform the project as a baseline for monitoring and evaluation. This would make a major contribution to increasing access to legal justice as well as will permit to monitor relevant developments in improving access to justice for people living with HIV-AIDS, victims of HIV/AIDS-related stigma and discrimination, access to justice for vulnerable groups, access to justice for girls and women victims of sexual and gender-based violence.

4. OBJECTIVES OF THE BASELINE STUDY

4.1 General

These Terms of Reference aim at hiring a consultancy company to carry out a base line study on access to justice in Mozambique with a view on assessing the access to justice for the mozambique citizen, with a focus on the most vulnerable persons, in the period 2015-2019.

- (i)

- (ii) and
- (iii) create the basis for evidence-based advocacy of political and legal reforms in the country.

4.2 Specific

The study is expected to contribute to the following specific objectives:

- ✓ Determine quantitatively and qualitatively (segregated by sex, gender, and age) the current situation of access to justice in the country (women and girls, youth, people with HIV / AIDS, TB, people with disabilities and other vulnerable);
- ✓ Identify the main bottlenecks for access justice;
- ✓ Assess existing justice services for women and girls, victims of gender-based violence, youth, people with HIV / AIDS, people with disabilities, prisoners and other vulnerable people;
- ✓ Gather data on gender balance in the Sector in terms of participation of women and men in leadership positions in SAJ institutions;
- ✓ Advocate for the promotion of positive changes in the Reform of the Administration of Justice System;
- ✓ Identify actions within the sector for women's empowerment in justice administration bodies;
- ✓ Reflect on the lessons learnt from the process of implementation of previous actions to guarantee access to justice;

5. DUTIES AND RESPONSIBILITIES OF THE CONSULTANT

During the consulting period the consulting team will have the following responsibilities:

- ✓ Prepare the study schedule and work methodology;
- ✓ Work closely with the internal technical group to gather relevant documents, inform and identify key areas for study and intervention;
- ✓ Prepare questionnaires and surveys based on scientific methods;
- ✓ Propose activities, meetings and interviews to gather documentation and relevant information;
- ✓ Travel to selected provinces, districts and localities for information gathering;
- ✓ Prepare the products indicated by the ToR according to the established schedule;
- ✓ After the final product is produced, the consultant team should facilitate a presentation in targeted public forums;

6. METHODOLOGY

The methodology will comprehend a combination of quantitative and qualitative analysis and a combination of documentary research and fieldwork:

1. **A first phase [Desk Review]** shall include:
 - i) collection of documentation, data and statistics on access to justice in the period 2015-2019;
 - ii) review of relevant literature
2. **A second phase, [Field work]:** This will be implemented through:
 - i) questionnaires and interviews with justice service users to be prepared by the work team, including their understanding of available legal rights and services, and their perceptions of current services in terms of accessibility and quality;
 - ii) interviews and questionnaires with law enforcement officials to echo emerging trends or issues;
 - iii) consultations with target groups, namely, women, girls, youth, people with disabilities, inmates and others.

Location: The research will be conducted in the **Provinces of Nampula, Gaza, Manica, Zambézia, Tete, Cabo Delgado, Sofala, Inhambane, Maputo City and Province.**

Inquired: **Supreme Court, Superior Courts of Appeal, Provincial and District Courts; Attorney General's Office, the Sub-Prosecutors General and Regional, Provinces and District Attorneys; •**

Administrative Tribunal, Provincial Administrative Courts; **MJCR**, Palaces of Justice, Provincial Directorates of the MJCR; **IPAJ**, Provincial and District Delegations of the IPAJ, **MINT**; **the Police of the Republic of Mozambique**, the Criminal Investigation Police, Provincial and District Police Commands of the Republic of Mozambique; **National Commission on Human Rights**; **Ombudsman**; **Mozambican Bar Association**, Provincial Delegations; **Provincial and Municipal Governments**; **Community Courts**; **Community authorities**; **Civil society actors**, including academics.

7. EXPECTED RESULTS

1. Created strong basis of information on access to justice
 - i) Created a baseline on the status of access to justice and law in Mozambique. Data to be segregated per:
 - a) Age
 - b) Sex
 - c) Gender
 - d) Area
 - e) Type of Cases
 - ii) Analyzed and identified current tendencies and bottlenecks for the access to justice in Mozambique with a focus on services provided for women and girls, youth and other vulnerable, including victims of GBV, people living with HIV/AIDS, people with deficiencies and inmates.
2. Produced recommendations in the area of public policy on justice:
 - i) Proposing a research agenda to understand the implications of actions to promote greater access to justice;
 - ii) Proposal for a strategy and mechanisms for democratization of access to justice for different social strata, focusing on women and youth and other vulnerable people in Mozambique;
 - iii) Promoting anti-corruption mechanisms and other negative institutional manifestations plaguing the sector;
 - iv) A final report on the study was produced containing the main reflections, experiences of good practices aimed at promoting greater access to justice and recommendations.
 - v) Proposed an investigation agenda to raise awareness of the implication of actions Analysis and identification of trends, areas and populations most in need, with particular attention to services provided to women and youth and other vulnerable persons, including victims of gender-based violence, sexual violence, persons with HIV / AIDS and persons with disabilities;

8. DELIVERABLES

1. **Inception Report 20%**
2. **Draft Report 30%**
3. **Workshop of avaluation of the Draft Report 20%**
4. **Final Report 30%**

The Consultant will provide the following final products:

Products	Submission	Review and approvals
<p>Submission of the Inception Report: This report shall briefly describe the <u>methodology, the work plan and the sources</u> the consultant have established for the assignment, programme of the execution of the work.</p> <p>The Inception Report shall be validated in a workshop facilitated by the consultant.</p> <p>(20% corresponding payment)</p>	7 days	To be reviewed and approved by the MJCR Technical Team and UNDP
<p>Submission of the Draft report: The Draft report shall contain the major preliminary findings of the <u>desk review and the field work as well as a preliminary set of recommendations.</u></p> <p>(30% corresponding payment)</p> <p>This should be validated in a workshop for stakeholders to comment and to provide suggestions.</p> <p>(20% corresponding payment)</p>	45 days 60 days	To be reviewed and approved by the MJCR Technical Team and UNDP
<p>Submission of the Final Report: This should include recommendations, suggestions and comments from UNDP and from the stakeholder's workshop.</p> <p>(30% corresponding payment)</p> <p>To be presented by the team of consultants in a cultural forum (e.g University)</p>	90 days	To be reviewed and approved by the MJCR Technical Team and UNDP.

9. DURATION OF THE ASSIGNMENT DUTY STATION AND EXPECTED PLACES OF TRAVEL

The consultancy will last for **90 days** starting from the recruitment of the consultant.

10. ELIGIBILITY CRITERIA

The team of consultants should be composed of specialists who will contribute, in an integrated, multi-disciplinary and comprehensive manner, to the elaboration of the study. As a result, the research team will be composed of **3 technical specialists**, namely:

- one (1) Team leader – Specialist in access to justice and human rights;
- one (1) Specialist in gender and gender-based violence with cross-cutting expertise in HIV and AIDS;
- one (1) Specialist in statistics and economics.

9.1. Team leader – Specialist in access to justice and human rights

Education

- Master's degree in juridical sciences, law, human rights, social science, political science or related field. (PHD will be an advantage)

Work Experience

- At least 10 years of relevant experience in the field of Law, especially in access to justice and human rights;
- A minimum of 10 years of proven experience conducting quantitative and qualitative research;
- Evidence of studies and researches previously realized in the area of justice;
- Knowledge of Mozambican Justice Administration System;
- A minimum of 10 years of experience leading research teams;
- Experience working with international organizations, including UN agencies is an advantage;

Organizational skills

- Ability to prioritize, plan, coordinate and monitor your work plan

Language skills

- Fluency in Portuguese; (Knowledge of local languages is an advantage);

9.2. Specialist in gender and gender-based violence with cross-cutting expertise in HIV and AIDS

Education

- Bachelor's degree in social sciences, anthropology, sociology, gender studies, human rights or related fields

Work Experience

- Minimum of 7 years of experience in the area of gender and violence based on gender, women's rights, human rights;
- Proven knowledge of legal / judicial issues related to HIV / AIDS;
- Experience assessing and promoting initiatives to strengthen gender equality and defeat GBV;
- Proven experience in designing, monitoring and evaluating similar plans, programs or projects;
- Experience in the production of research and conducting quantitative and qualitative analysis;

Organizational skills

- Ability to prioritize, plan, coordinate and monitor a work plan

Language skills

- Fluency in Portuguese; (Knowledge of local languages is an advantage);

9.3. Specialist in statistics and economics

Education

- Bachelor's degree in economics, statistics, or related field

Work Experience

- Minimum of 7 years relevant experience in the field of statistics and economics;
- Experience in the production of research and conducting quantitative and qualitative analysis;
- Proven experience assessing the impact of economic plans and policies;
- Proven experience in data analysis for the preparation of baseline studies;
- Proven experience with work in the areas of government institutions.

Organizational skills

- Ability to prioritize, plan, coordinate and monitor your work plan

Language skills

- Fluency in Portuguese; (Knowledge of local languages is an advantage);

11. UNPUBLISHED INFORMATION

The Consultant may not make use of any unpublished or confidential information that has come to his notice during the period of his consulting duties, without the Coordinator of the Secretariat's consent and a no objection from UNDP, under the opinion of the Senior Consultant. This prerequisite is maintained after the consulting period is expired or terminated.

12. EVALUATION CRITERIA

The selection criteria for this individual consultant will be based on the *Combined Scoring* method, where the qualifications and methodology will be weighted a maximum of 70% and combined with the financial proposal which will be weighted a maximum of 30%.

Only candidates obtaining a minimum of 100 points in technical criteria evaluation would be considered for the Financial Evaluation, as specified below:

Team leader specialized in access to justice and human rights

Criteria	Weight	Max. Point
<u>1. Technical</u>	70%	100 points in total
1.1. Eligibility Criteria		(50 points in total)
<i>Relevance of Education/ Bachelor's degree in juridical sciences, law, human rights, social science, political science or related field. (PHD will be an advantage)</i>		10 points
<i>Years of Relevant Experience/At least 10 years of relevant experience in the field of Law, especially in access to justice and human rights</i>		8 points
<i>A minimum of 10 years of proven experience conducting quantitative and qualitative research;</i>		8 points
<i>A minimum of 10 years of experience leading research teams</i>		7 points
<i>Evidence of studies and researches previously realized in the area of justice</i>		7 points
<i>Knowledge of Mozambican Justice Administration System;</i>		7 points
<i>Experience working with international organizations, including UN agencies is an advantage</i>		1 point
<i>Ability to prioritize, plan, coordinate and monitor your work plan</i>		1 point
<i>Fluency in Portuguese; (Knowledge of local languages is an advantage);</i>		1 point
<u>1.2. Technical evaluation criteria</u>		(50 points in total)
<i>Proposal meet objectives</i>		40 points
<i>Set achievable targets</i>		10 points
<u>Financial</u>	30%	

Specialist on gender and gender-based violence with cross-cutting expertise in HIV and AIDS

Criteria	Weight	Max. Point
<u>1. Technical</u>	70%	100 points in total
1.1. Eligibility Criteria		(50 points in total)
<i>Relevance of Education/ Bachelor's degree in social sciences, anthropology, sociology, gender studies, human rights or related fields</i>		10 points
<i>Years of Relevant Experience/Minimum of 7 years of experience in the area of gender and violence based on gender, women's rights, human rights;</i>		9 points
<i>Proven knowledge of legal / judicial issues related to HIV / AIDS;</i>		9 points
<i>Experience assessing and promoting initiatives to strengthen gender equality and defeat GBV;</i>		8 points
<i>Proven experience in designing, monitoring and evaluating similar plans, programs or projects;</i>		6 points

<i>Experience in the production of research and conducting quantitative and qualitative analysis;</i>		<i>6 points</i>
<i>Ability to prioritize, plan, coordinate and monitor a work plan</i>		<i>1 point</i>
<i>Fluency in Portuguese; (Knowledge of local languages is an advantage);</i>		<i>1 point</i>
1.2. Technical evaluation criteria		(50 points in total)
<i>Proposal meet objectives</i>		<i>40 points</i>
<i>Set achievable targets</i>		<i>10 points</i>
Financial	30%	

Specialist in statistics and economics

Criteria	Weight	Max. Point
1. Technical	70%	100 points in total
1.1. Eligibility Criteria		(50 points in total)
<i>Relevance of Education/ Bachelor's degree in economics, statistics, or related field</i>		<i>10 points</i>
<i>Years of Relevant Experience/ Minimum of 7 years relevant experience in the field of statistics and economics</i>		<i>10 points</i>
<i>Experience in the production of research and conducting quantitative and qualitative analysis;</i>		<i>8 points</i>
<i>Proven experience assessing the impact of economic plans and policies;</i>		<i>8 points</i>
<i>Proven experience in data analysis for the preparation of baseline studies;</i>		<i>8 points</i>
<i>Proven experience with work in the areas of government institutions.</i>		<i>4 points</i>
<i>Ability to prioritize, plan, coordinate and monitor your work plan</i>		<i>1 point</i>
<i>Fluency in Portuguese; (Knowledge of local languages is an advantage);</i>		<i>1 point</i>
1.2. Technical evaluation criteria		(50 points in total)
<i>Proposal meet objectives</i>		<i>40 points</i>
<i>Set achievable targets</i>		<i>10 points</i>
Financial	30%	

13. PAYMENTS SCHEDULE

Submission of the Inception Report (20% corresponding payment)

Submission of the Draft report (30% corresponding payment)

Workshop of validation of the Draft Report (20% corresponding payment)

Submission of the Final Report (30% corresponding payment)

14. ANNEXES TO THE TOR

ANNEX 1- Individual Consultant General Terms and Conditions – [to be provided by procurement unit with the individual consultant procurement notice]

ANNEX 2 - P11 Form

ANNEX 3 – Template of Letter of Confirmation of Interest and Availability

15. HOW TO APPLY

Proposal should be submitted through the following address procurement.mozambique@undp.org no later than **7 days from the posting of this vacancy**. Any request for clarification must be sent by standard electronic communication to the same e-mail address. The UNDP CO Procurement Unit will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

16. APPROVAL

This TOR is cleared by by: Rosa Langa Chissano

Signature Rosa Langa Chissano

Name and Designation Governance and Social Cohesion Unit's Officer in Charge

Date of Signing 28/08/2019

This TOR is cleared by by: Francisco Roquette

Signature [Signature]

Name and Deisgnation Deputy Resident Representative - Programme and Operations

Date of Signing 29/8/19