



Date: 18th December 2019
Ref: UNDP-IC-2019-474

INTERNATIONAL CONSULTANT – UNDP-IC-2019-474 Citizen Experience of Justice in Merged Areas

Country: Pakistan

Duty Station: Home Based with travel to Islamabad/Peshawar

Description of the assignment/Job Title: Citizen Experience of Justice in Merged Areas

Project name: FGP (USAID FRSA Output 4)

Period of assignment/services: 65 Working Days.

Submission Instructions:

Please submit your Technical and Financial proposals to the following address not later than **02nd January 2020 at 12:30 PM PST**

UNDP-IC-2019-474

UNDP Registry, Quotation/Bids/Proposals

United Nations Development Programme

Serena Business Complex, 2nd Floor, Khayaban-e-Suharwardy,
Islamabad, Pakistan

Tel: 051-8355600 Fax: 051-2600254-5

or by email to bids.pk@undp.org no later than **02nd January 2020 at 12:30 PM PST**

Kindly write the following on top left side of the envelop or email subject line "UNDP-IC-2019-474"

Important note for email submissions: Please put **"UNDP-IC-2019-474"** in the subject line. Further, our system will not accept emails those are more than 30 MB size. If required, segregate your emails to accommodate email data restrictions. For segregated emails please use sequence of emails like Email 1, Email 2 in the subject line. For attachment purposes please only use MS Word, Excel, Power Point or PDF formats.

If you request additional information, please write to pakistan.procurement.info@undp.org. The team will provide necessary information within due date. However, any delay in providing such information will not be considered a reason for extending the submission date of your proposal. All/any query regarding the submission of the proposal may be sent prior to the deadline at the e-mail/address mentioned above

Important Note: If Proposal submitted through post, the Financial Proposal must be in Separate Sealed Envelope. If proposal submitted through Email, Financial Proposal (Annex IV and Annex) must be password protected file.

Terms of Reference (Annex- I)

Citizen Experience of Justice in Merged Areas Consultant – International Consultant

Background:

Citizen experience of justice is central to the perception of legitimate authority. As is made clear in counterinsurgency theory, local non-state actors commonly gain influence through the local exercise of law and order - especially dispute resolution and mediation - and can then translate that authority into formal political authority. It is thus essential that, as the government of Pakistan extends to FATA, it places citizen experience at the front and center of efforts to expand the justice system.

Placing citizens at the center of justice systems reform has emerged as a global norm over the last ten years. Traditionally, reforms have focused on the institutions themselves rather than citizen experience. This can appear easier administratively, and also reflects the traditional concept of States using justice mechanisms as a means to control the use of force. Not only are such approaches no longer appropriate in democratic states striving to improve services for citizens, they also fail to meet ordinary citizens' pressing justice needs. For example, while traditional top-down reforms often focus on the criminal justice system and courts, evidence suggests that the vast majority of legal problems people face are civil, and that very few ever make it to the formal justice system.

A 2019 global survey of 101 countries showed that 49% of respondents had experienced a justice problem in the last two years, and that most of these problems relate to consumer issues, housing, and money and debt. The same study found that in Pakistan, 82% respondents had had a justice problem in the preceding two years, most of which related to community and natural resources, public services, and consumer problems, and of these only 6% sought a lawyer or professional advice service. Only a tiny proportion of these find their way into the formal system, not because they are not severe problems, but because the formal system is unsuitable for resolving many disputes, wholly inaccessible for many citizens and indeed the problems may be better solved through other means.

Failure to resolve legal problems can have enormous costs in terms of individual health, intra-community stability, and inclusive growth and entrepreneurship. Lack of access to justice for civil problems can lead to criminal actions, and can bring disaffection with the State, threatening communities and societies: the de-stabilizing effect of lack of access to justice is increasingly well recognized, and is one reason why China has developed widespread local legal services to help resolve people's day to day problems efficiently. Realizing the unsuitability of courts in meeting the needs of the quantity of people who have legal problems, increasingly, the world is turning to alternative forms of dispute resolution to help people find swift and effective solutions to their day to day problems.

The Government of Pakistan has recognized the need to focus on citizen experience in the Tribal Decade Accelerated Implementation Programme of July, 2019, which sets out that 'Citizen centrality (will be) ensured in the design of governance systems', and that there will be a 'Comprehensive and context specific criminal justice system approach aligned with the people's aspirations, citizen-centric special provisions for protection of rights and front-loaded measures to guarantee access to justice'.

The starting point for building people-focused justice systems is to understand what citizens' justice needs are, and how they are currently navigating systems to solve their problems, which then needs to be directed into citizen-focused reform policies.

This approach may have greater political saliency than an institutional focused approach. In prioritising police reform, the PTI Government has emphasised citizen and service delivery reforms as key. The Government has responded well to technical assistance which is based in citizen perspectives. As such it is likely that the apex-level political leadership would be open using citizen's experience of justice as a frame for policy-making.

1. Duties and Responsibilities

The consultant will prepare a study (qualitative and quantitative) looking at citizen experience of accessing solutions for justice problems, highlight risks and opportunities, and bring in experiences from elsewhere (across Pakistan and from other jurisdictions) of handling comparative situations, to propose a number of key recommendations that could be undertaken to ensure both a smooth transition and satisfactory processes for citizens to access justice.

This would be presented to key Government stakeholders to demonstrate key ways the government can handle the transition so as to minimise disruption and optimise citizen endorsement of reforms.

UNDP would start by preparing a study which would seek to understand how citizens experience justice in the Newly Merged Districts and what can be done to improve their experience during and as a result of the merger. This would primarily be a qualitative study, with quantitative elements if possible. It would primarily look at populations in FATA, but would also need to make a comparison with KP to show what is working there and how to ensure a uniform, appropriate policy.

The study would seek to find solutions to the following issues:

1. What are the key legal problems affecting people and what are the impact of these legal problems? What kind of mapping emerges as findings against this question are disaggregated along sex, gender, age, socio-economic context, settled or stateless status
2. Should the government integrate alternative dispute resolution into the justice system and how – would the responses be same or different based on sex, gender and socio-economic status? What case type is this appropriate for – (perspectives from the right holders disaggregated by sex, gender, age - and duty bearers? What rules/ oversight/ appeal could be introduced to ensure quality control? Should traditional mechanisms be used or new mechanisms – who should be consulted; what would be youth, women's and any other marginalised and vulnerable groups' perspective on this? This would need to look, *inter alia*, at:

- What different pathways do people (disaggregate by sex, gender, age, socio-cultural-economic contexts) take for different case types, including sensitive cases? Are there particular types of cases people feel jirgas handle particularly well and why?
 - How do community women, local women's groups, women's rights led CSOs view alternative dispute resolution and jirga mechanisms especially in terms of accessibility, direct contact, jirga's levels of gender sensitivity, jirgas are gender informed and if women's voices are being equally heard at jirgas, and if the outcomes of jirga decisions are considered judicious by them; are women able to challenge jirga decisions or demand their cases not to be subjected to jirga mechanisms at any point?
 - What are women's experiences with regards to composition of jirgas (e.g. number of women being represented in jirga decision making bodies)
 - What about the economics of jirgas? Is the money they take in an important part of operating them? How could this be improved?
 - How do people feel about police, levies and khasadars? what are the strengths and weaknesses. Do they work on civil matters too? How do jirgas relate to levies in each district? What are women's experience of police, levies and khasadars?)
 - Would voluntary mediation work in the context and for which type of cases? Are the contexts universal for women, men and gender variant populations? Do the contexts change as does the gender identity and gender expression?
3. What measures can be introduced to avoid human rights abuses? What substantive law, procedures and oversight would need to change and how could this be done? This would need to look, *inter alia*, at:
- How frequently human rights abuses arise, what is the nature of such human rights violations? Who are most effected by the violations? Who has the power to mitigate any violations? Where and in what type of fora do such human rights violations occur?
 - What measures are viable: oversight? Reporting? Appeal? Training? Procedures? Punishment? Other?
 - Beyond human rights violations, which rights are denied or overlooked? How to address these shortcomings and allow all categories of population to access their rights?
4. What public legal awareness/ empowerment/ aid would be needed and how could it be structured? This would need to look, *inter alia*, at:
- How do people find what the law is? Do people have the skills for handling their own cases? How could this be improved? What are women's and gender variant populations in this regard?

5. How could communities help improve the formal justice system in Newly Merged Districts (former FATA) on an ongoing basis? This would need to look, *inter alia*, at:
- How is community punishment working? How do jirgas enforce decisions and does it work? Could communities assist courts in enforcing decisions? What is the role of women in this context?
 - If formal courts are introduced, what are going to be the likely clashes in law between tribal and formal decisions? What are the risks relating to these, especially for the most marginalised and vulnerable members of community? What can be planned to reduce clashes and who needs to be involved?
 - How could citizens, in particular women and gender variant populations, provide ongoing feedback on reforms in the justice system, what complaints procedures could be used?

The IC should

List the results that the IC should achieve, and the major tasks expected to be undertaken are detailed in the table below.

The Contractor is expected to liaise/interact/collaborate/meet with the Home and Tribal Affairs Department (KP), Chief Minister, CM Strategic Support Unit, and the LG&RD.

The project will provide, support personnel, support service, or logistical support, what they will be, and at what stage of the work.

If possible, it is always best to indicate in each activity the literature/data/information/policy framework already on hand that and may be made available by UNDP to the Individual Contractor as reference/input to the activity.

2. Deliverables, Scope and Schedule of Payments

Deliverables/ Outputs	Estimated Duration to Complete	Schedule of Payments	Review and Approvals Required
Deliverable 1: Progress report <ul style="list-style-type: none"> • Design of study, questionnaires etc (5 days); • Looking at existing data/ studies on fata and KP (5 days); • In depth interviews with people who have used the system/ are in the system - Speak with 30 people who have had legal problems in fata, inc half 	40 days	60%	PM SRLP

women, Speak with 20 experts; (with assistance – 30 days)			
Deliverable 2: Final report <ul style="list-style-type: none"> • Research on appropriate reforms elsewhere (6 days); • Drafting of report (12 days); • editing after feedback and finalisation (7 days). 	25 days	40%	PM SRLP

The term ‘**all-inclusive**’ implies that all costs (professional fees, travel related expenses, communications, utilities, consumables, insurance, etc.) that could possibly be incurred by the Consultant are already factored into the financial proposal. Under this arrangement, the contract price will be fixed regardless of change in the cost components. Payments will be made only upon confirmation of UNDP on delivering on the contract obligations in a satisfactory manner.

Please go the following link for the UNDP General Conditions of Contract for Individual Consultants:
http://procurement-notice.undp.org/view_file.cfm?doc_id=7879

Individual Consultants are responsible for ensuring they have vaccinations/inoculations when traveling to certain countries, as designated by the UN Medical Director. Consultants are also required to comply with the UN security directives as set forth by the United Nations Department of Safety and Security.

Copyright

The above assignment will have UNDP sole ownership and copyright.

3. Institutional Arrangement and Duty Station:

The consultant, under the direct supervision of the Programme Manager SRLP, and in close cooperation with the Chief DGU as well as other projects such as FGP and D&LG, will undertake the work and produce the deliverables as set forth in this TOR in a timely, efficient and professional manner.

The consultant will communicate with other members of the team on a daily basis and report to the Programme Manager SRLP on a weekly basis.

The consultant will be home-based. The consultant will be expected to periodically travel to Peshawar. Work related travel will be arranged by FGP.

4. DURATION OF WORK

The expected duration of work will be 65 working days. During the contract period, the consultant will be expected to work during working hours which is from 0800 AM to 4:45 PM, from Monday to Thursday and from 0800 AM to 1230 PM on Friday.

5. QUALIFICATIONS – EDUCATION, EXPERIENCE AND LANGUAGE:

- a. Legal qualification from an established law school;

- b. At least 15 years of progressively responsible international experience working on access to justice;
- c. Significant global experience designing and implementing best practices in working with alternative dispute resolution systems and public legal awareness;
- d. Experience working on customary justice systems globally, including in the KP tribal areas;
- e. Demonstrated expertise and commitment to improving women's access to justice;
- f. Experience working in countries in transition, with transitional justice mechanisms;
- g. Experience in leading qualitative and quantitative research on access to justice, including on citizen perception;
- h. Evidence of being able to work autonomously, completing consultancies in a timely manner and to a high standard;
- i. Demonstrated evidence of publication on access to justice;
- j. Substantial experience in interacting with policy makers, stakeholders and international donors in a multicultural environment;
- k. Flawless (oral and written) English is required.

6. APPLICATION PROCESS AND SELECTION CRITERIA

The following documents must be submitted by interested persons to become an eligible candidate. Failing to comply with the requirements will result in disqualifying the applicant. Due to the large number of applications we receive, only the successful candidate will be informed about the outcome or status of the selection process.

Interested individual consultants must include the following documents when submitting the applications:

- **Personal History Form (P11)**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references - UNDP retains the right to contact references directly (the template can be downloaded from this link: http://www.undp.org/content/dam/undp/library/corporate/Careers/P11_Personal_history_form.doc).
- A brief, 500 word statement explaining why you are the most suitable candidate for the assignment and provide a brief methodology on how you will approach and conduct the work.
- **Letter of Confirmation of Interest and Availability and Financial Proposal**, Applicants are instructed to submit their financial proposals in PAK Rupees for this consultancy using the annex to the Letter of Confirmation of Interest and Availability template available here: http://procurement-notices.undp.org/view_file.cfm?doc_id=45780.

In order to assist the requesting unit in the comparison of financial proposals, the financial proposal should be **all-inclusive** and include a breakdown.

7. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable deliverable. In order to assist in the comparison of financial proposals, the financial

proposal will include a breakdown of this lump sum amount (including travel, per diems and number of anticipated working days).

8. TRAVEL

All envisaged travel cost must be included in the financial proposal. This includes all travel to join duty station / repatriation travel. In general, UNDP shall not accept travel cost exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources. In case of unforeseeable travel, payment of travel cost including tickets, lodging and terminal expense should be agreed upon, between the respective business unit and individual Consultant, prior to travel and will be reimbursed.

9. EVALUATION PROCESS

Individual consultants will be evaluated based on the **cumulative analysis** methodology (weighted scoring method), where the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- Responsive/compliant/acceptable; and
- Having received the highest score out of a pre-determined set of technical and financial criteria specific to the solicitation.

Technical Criteria weight: 70%

Financial Criteria weight: 30%

Only Consultants obtaining a minimum of 70% on the Technical evaluation will be considered for the Financial Evaluation.

Criteria	Weight	Max. Point
Technical Competencies	70	
Legal qualification from an established law school;	Min. Requirement.	
At least 12 years' progressively responsible international experience working on access to justice;	Min. Requirement	
Significant global experience designing and implementing best practices in working with alternative dispute resolution systems and public legal awareness; Minimum 1 year of Experience	10	
Experience working on customary justice systems globally, including in the KP tribal areas; Minimum 1 year of Experience	10	
Demonstrated expertise and commitment to improving women's access to justice; Minimum 1 year of Experience	10	

Experience working in countries in transition, with transitional justice mechanisms; Minimum 1 year of Experience	10	
Experience in leading qualitative and quantitative research on access to justice, including on citizen perception; Minimum 1 year of Experience	10	
Evidence of being able to work autonomously, completing consultancies in a timely manner and to a high standard;	10	
Demonstrated evidence of publication on access to justice;	5	
Substantial experience in interacting with policy makers, stakeholders and international donors in a multicultural environment; Minimum 1 year of Experience	5	
Flawless (oral and written) English is required.	Min. Requirement.	
1. Financial (Lower Offer/Offer*100)	30	
Total Score	Technical score 70 + 30 Financial	

Competencies

Building Strategic Partnerships

- Makes effective use of UNDP's resources and comparative advantage to strengthen partnerships
- Creates networks and promotes initiatives with partner organizations

Innovation and New Approaches

- Creates an environment that fosters innovation and innovative thinking, especially for Fata reforms contexts
- Conceptualizes more effective approaches to program development and implementation

Promoting Organizational Learning and Knowledge Sharing

- Participating in the development of policies and innovative approaches and promoting their application throughout the organization
- Promotes UNDP as a learning/knowledge sharing organization, with a focus on Fata reforms

Job Knowledge/Technical Expertise

- Possesses expert knowledge of advanced concepts in primary discipline, a broad knowledge of related disciplines, as well as an in-depth knowledge of relevant organizational policies and procedures, with expertise in transitional contexts
- Keeps abreast of new developments in area of professional discipline and job knowledge and seeks to develop him/herself personally

- Demonstrates comprehensive knowledge of information technology and applies it in work assignments

Client Orientation

- Anticipates constraints in the delivery of services and identifies solutions
- Proactively identifies, develops and discusses solutions for clients

Core Competencies

- Promoting ethics and integrity, creating organizational precedents
- Staff competence, creating an environment of creativity and innovation
- Promoting effective teams
- Very good communication skills. Ability to express clearly and concisely in both written and oral forms
- Transparent decision making; calculated risk-taking
- Ability to be flexible and react to changing circumstances, e.g. security situation

Weight per Technical Competence	
Weak: Below 70%	The individual consultant/contractor has demonstrated a WEAK capacity for the analyzed competence
Satisfactory : 70-75%	The individual consultant/contractor has demonstrated a SATISFACTORY capacity for the analyzed competence
Good: 76-85%	The individual consultant/contractor has demonstrated a GOOD capacity for the analyzed competence
Very Good: 86-95%	The individual consultant/contractor has demonstrated a VERY GOOD capacity for the analyzed competence
Outstanding: 96-100%	The individual consultant/contractor has demonstrated a OUTSATNDING capacity for the analyzed competence

Note: UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.

ANNEXES

ANNEX 1. TERMS OF REFERENCE (TORs)

ANNEX 2. INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS.

ANNEX 3- PROPOSAL SUBMISSION FORM.

ANNEX 4- OFFEROR'S LETTER TO UNDP/CONFIRMATION OF INTEREST.

ANNEX 5 – FINANCIAL PROPSAL

ANNEX 6- P 11 FORM.