

TERMS OF REFERENCE (TOR)

I. GENERAL INFORMATION

Services/Work Description:	Joint UN Rapid Justice Sector Assessment
Project/Program Title:	Governance and Democratic Participation Programme
Duty Station:	Addis Ababa with travel to Regional States
Type of the Contract:	Consulting Firm
Duration:	Five Months
Responsible GoE Unit:	Joint Justice Sector Steering Committee (JSSC)
Expected Start Date:	Immediately after signing of the contract

II. BACKGROUND AND CONTEXT

The Government of Ethiopia has launched series of bold and comprehensive reforms since April 2018. New initiatives aimed at broadening democratic participation, strengthening justice and rule of law, creating accountable systems of governance have been undertaken. Reforms introduced in the Justice Sector included legislative reviews, structural and leadership changes in key justice institutions at least at federal level.

In July 2018, Legal and Justice Affairs Advisory Council, composed of independent academic and legal practitioners was formed to support the effort of the Federal Attorney General in reviewing and providing advice on all key legislation and justice sector reforms. Likewise, the Federal Supreme Court has set up the Judicial Advisory Council on judicial matters to examine and overhaul the judicial system. The Advisory Council comprises of legal professionals who render services to the reform process on a voluntary basis. Similar reforms are underway to support the child justice related works of the Ministry of Women, Children and Youth. The Ethiopian Human Rights Commission has also started a reform program including the revision of its establishment law with a support of Advisory Working Group setup through the Legal and Justice Affairs Advisory Council.

To date the Government have indicated that the following thematic areas need to be addressed as part of the wider efforts to reform the Justice Sector;

- a) Advancement of respect for fundamental rights and institutional accountability,
- b) Promoting integrated justice delivery
- c) Improving criminal justice services
- d) Promoting Civil Justice Service
- e) Raising public awareness and understanding of the law

Parallel reform efforts are also underway in the ten regions and two city administrations forming the Ethiopian federation. Nonetheless, the justice system reform initiatives within the regional states is not at the scope and level of the undertaking at the federal level. In this context, it is important to ensure that the reform process is comprehensive and addresses the needs of all with no one left behind.

The reforms initiated by the Ethiopian Government are also supported by a wide range of development partners working in the country. Among these, several UN entities are playing an important part in supporting these ongoing reform initiatives. In view of the need to ensure complementarities, five UN agencies (UNODC, UNDP, UNICEF, UN WOMEN, and OHCHR) have agreed to further support an in-depth joint justice system assessment which will provide comprehensive information on the status of the justice system in Ethiopia and inform key interventions that complement the ongoing reform initiatives.

To undertake this assessment, UNDP with the above-mentioned UN agencies would like to commission the service of consulting firm to carry out a rapid Justice Sector Assessment within the framework of this TOR.

III. OBJECTIVE OF THE SERVICE

The consultancy will adopt a phased approach;

1. The main objective of the consultancy in the first phase is to undertake a rapid comprehensive justice sector assessment in Ethiopia covering all the key justice institutions including police, prosecution, the judiciary and the prison system and capture the current policy framework/standards/institutional set ups/implementation practices which are directly related to justice sector reform in Ethiopia. The assessment should also cover other relevant institutions or organs that have an impact on the justice sector. Due attention should be given as to how the justice system addresses the special context of vulnerable groups;
2. The second phase deals with elaboration of a broad justice sector-wide programme framework document. The rapid assessment findings and recommendations will help inform the design and scope of a possible programmatic response to justice sector reforms in Ethiopia.

The assessment would look at the system as a whole as an interrelated and interdependent entity to inform effective justice system reform at all levels. The assessment will provide a better understanding of where the capacity gaps are so it will consider both process and product. The process investigates and analyzes the condition, situation, or problems in the justice system in Ethiopia. The product will be a picture of a system. After laws change or reforms have been implemented, the system will begin to change. The rapid justice sector assessment will also identify whether there is a need for further revisiting of “deeper dive” evaluations. The assessment will be a basis for tracking this and other changes as well as a baseline against which to measure progress in the subsequent project. The assessment will play an important role in keeping the change and reform process on track and in evaluating the impact of the reforms.

The assessment is also expected to identify potential entry points across the justice sector and recommend specific areas for reform elaborating the possible short, medium and long-term reform initiatives with the aim of supporting the Government of Ethiopia in ensuring coherence across all the steps and promoting evidence-based justice system reform policies and programs. This will become the “**Justice Sector Roadmap**”. The

recommendations will be the basis for UN agencies' support to the Ethiopian government in the area of justice reform.

IV. SCOPE OF THE ASSESSMENT

The assessment will cover the breadth of the entire Justice Sector both at Federal and Regional level. It will include key components and activities implemented by the implementing partners, including a wide range of partners both at Federal and Regional level including: Federal and Regional Police Commissions, Addis Ababa Police Commission, Federal Office of the Attorney General (FOAG) and its regional counterparts, Federal and Regional Prisons Administrations, Federal Supreme Court (including the Child Justice Project Office) and Regional Court Arrangements, Justice and Legal Systems Research and Training Institute and its regional arrangements, Federal Ethics and Anti-Corruption Commission and its regional arrangements, Ethiopian Institution of the Ombudsman (EIO), the Ethiopian Human Rights Commission (EHRC), the Houses of Peoples Representatives, the Ministry of Peace, Ministry of Women, Children and Youth Affairs and its regional counterparts, as well as regional counterparts and other relevant justice bodies and coordination and working groups; Academic Institutions, Legal aid providers (including public defenders' office), CSOs, Traditional/Customary and Alternative Dispute Resolution Institutions; UN agencies (UNODC, UNDP, UNICEF, UN WOMEN, OHCHR); Traditional and Religious courts (sharia courts), and other relevant stakeholders with their regional counterparts. The consultants are expected to also identify those partners/justice sector organisations that warrant a “deeper dive” analysis as outlined above III Objective of the Service.

V. METHODOLOGY

The assessment should include a mix of methods and methodologies that enable capturing of various experiences, views and reflections. Hence, it needs to use various methods such as key informants' interviews for high officials, Focus Group Discussions for experts, in-depth interviews for service seekers, offenders (including juveniles), analysis of files, etc., and utilize both primary and secondary resources. The assessment requires active engagement of key partners including but not limited to Governmental, NGOs and UN agencies that are mandated and are directly working on justice issues in the country.

The assessment would be conducted in a participatory way incorporating inputs from wide array of actors and stakeholders to serve as a reference point and basis for any justice system intervention in Ethiopia.

The assignment is required to be undertaken by a consultancy firm that should have adequate knowledge and experience on justice sector reform, research and program development in Ethiopia or other country with similar context.

With the impact of the ongoing COVID-19 pandemic globally including Ethiopia, the consultancy firm will need to devise a methodological approach that is able to bring international comparative best practices of justice sector reforms but augmented by strong local based team presence who will be able to undertake FGDs, KIIs and other face to face activities in country to ensure that travel/office closures and other restrictions related to the social distancing provisions do not adversely affect the overall quality of the assessment.

VI. EXPECTED OUTPUT OF THE ASSIGNMENT/DELIVERABLES

The consultant will present the draft inception Report upon completion of the desk review and preliminary assessment, with clear methodology and work plan. This draft will be subjected to comment by the Interagency Technical Working Group (TWG) which coordinates the efforts of UN Agencies on the matter. The newly formed Justice Sector Joint Technical Team will similarly review the emerging findings from the assignment.

All other deliverables of the consultant will also undergo similar review process by the TWG and endorsement by the HOAs and the GoE Justice Sector Joint Technical Team.

All the deliverables should provide special attention to rights of Women and Children and integrate the issues of other vulnerable groups.

Deliverable A: Inception Report

The consultant is tasked with preparing and presenting an initial report (inception report) to the TWG and the GoE Justice Sector Joint Technical Team. It should contain:

- 1) A list of the persons consulted during initial consultations along with copies of information collected and list of consulted legislation and other relevant documentations;
- 2) An analysis of the information obtained through desk review and through meetings already held;
- 3) A narrative addressing the methodology to be adopted in undertaking the assessment including collection of qualitative data and consultations with stakeholders;
- 4) A work plan outlining the activities planned and how they contribute to achieving the outputs identified.

The list of initial meetings with key justice sector actors will be conducted bilaterally (by holding meetings with the selected key institutions and individuals) or in a group setting in a form of consultative meeting (Technical and Leadership Level). This should be reflected in the technical proposal to be submitted by the consultant. The list of key institutions should include but not be limited to the following:

- The judiciary, including the Federal Supreme Court; federal high courts; courts of first instance and regional courts; Social/municipal courts,
- Child Justice Project Office;
- Federal Office of the Attorney General and Regional Justice Bureaus;
- Federal Police Commission and Regional Police Commissions;
- Federal Prison Administration and Regional Prison Commissions;
- Ministry of Women, Children and Youth Affairs and Regional Bureaus.
- Federal Ethics and Anti-Corruption Commission and Regional Commissions;
- Ethiopian Human Rights Commission, Ethiopian Institute of Ombudsman
- Legal aid providers and civil society organizations (e.g. Prison Fellowship, Ethiopian Women Lawyers Association, Law schools working on Legal Aid including Addis Ababa University, Mekelle University, Jimma University among others);
- House of People's Representatives and Regional Parliaments.

- Justice and Legal System Research and training institute and the regional justice professionals' training centres
- Remand Home
- Other key informants.

With support from the TWG and the GoE Justice Sector Joint Technical Team, the consultant will draw on their own networks and knowledge of the Ethiopian legal system to identify key informants as well as consulting with the Advisory Councils.

With regards to the desk research, the consultant should undertake:

- a) Stocktaking and gaps analysis of legislation, policies and other available and relevant documentations about the justice system of Ethiopia including a Mapping and Assessment of National Laws in Ethiopia as a step towards the elimination of discriminatory laws – a clear analysis of the current law making and legislative review process.

Based on these consultations, the consulting firm will submit a detailed plan including research methodology on how the Assessment will be conducted.

Deliverable B: Federal and Regional Level data collection completed

After the inception report is approved, the consultant should embark on collecting the relevant Federal as well as Regional Level (conduct meetings with service providers (supply) and service users (demand)) data which includes but not limited to:

- Identifying the institutions in the justice sector from occurrence of grievance to point of remedy;
- Identifying the main actors within the justice sector institutions and the types of powers they hold;
- Identifying and mapping in terms of geographic coverage those areas where the formal justice system is not fully reaching and what type of solutions people use in such areas for redress their justice problems (*NB: Special attention needs to be provided for emerging regions and pastoralist areas*);
- Identify and analyse:
 - a) The positive factors (what is working);
 - b) Obstacles (what is not working) for service providers in terms fulfilling their obligations and a recommendation of whether further analysis is required;
 - c) Age/gender dimensions from the service providers' perspective
 - d) Access to justice for vulnerable groups including children, persons with disability, women, refugees and the displaced, etc.
- Identifying strengths and weaknesses of the service providers to deliver the services expected;
- Identifying perceptions of strengths and weaknesses of the service providers.
- Identification of any human resource issues/challenges within the sector;

From service users (including vulnerable groups) (demand side):

- Identify the types of challenges (legal, economic, administrative, structural, etc.) encountered by those attempting to access justice;
- Identify the justice perceptions and main priority areas for different groups (for instance, women, children in contact and conflict with the law, children as victims and witnesses, refugee children and IDPs), youth, the socially excluded including those in extreme poverty and pre-trial detainees and prisoners);

- Identify perception of people of:
 - a) Positive factors (what is working);
 - b) Obstacles (what is not working) for people to access the justice sector to have their grievances redressed;
- Identify structural problems that contribute to difficulties (poverty, gender-based discrimination, age, disability, etc.).

Deliverable C: Drafts of an assessment report with clear recommendation of programming intervention is completed

The consultant is tasked with preparing drafts of a comprehensive and in-depth assessment report on the Ethiopian justice sector which includes a technical assistance needs assessment and clear recommendations for possible further deeper dive assessments to be conducted as these will help inform the design and focus of a specific justice sector intervention programme.

The assessment report and the recommendations for a concrete programming intervention shall be clearly stipulated in light of the current UNSDCF (Sustainable Development Cooperation Framework) and best placed agencies to support the various areas of the work. This will in effect become the “**Justice Sector Roadmap**” which will set out the specific areas for reform elaborating the possible short, medium and long-term reform initiatives that will inform the design of a fully-fledged justice sector programme document including access to justice for children and guide the justice sector reforms more generally. In addition, the consultancy shall deliver inputs on the assessment report and the programming intervention across the key justice sector including on the investigation, prosecution and judiciary aspect of the legal system and also include the prison administration systems both at the Federal and State Level.

The drafts of the assessment report and the recommendations for programming intervention should include the information collected through the stakeholder consultation process described above as well as an analysis of this information, including a summary of the findings, list of recommendations for national as well as international actors and stakeholders.

The draft documents are required to identify priority intervention areas for justice reform. The recommendations for action should also contain specific recommendations for providing technical assistance by the Joint Agencies and/or individual agencies according to mandate/area of expertise together with analysis of implementation feasibility. Moreover, the recommendation should include generic recommendations that can be taken up by government, CSO, academic institutions, etc.

Overall, the drafts of the assessment report and recommendations for actions should include (not necessarily in this order):

- The three main components of the methodology prescribed above (see section 3);
- Qualitative findings and analysis;
- Major findings and recommendations;
- Action Matrix Framework for 2021-2024;
- Outline Justice Sector Roadmap to inform the design of a justice sector programme document
- Follow-up actions (including issues to be considered).

Deliverable D: Final Justice Sector assessment report completed.

After the completion of the draft report with list of recommendations, the document shall undergo a wide consultation which will be organized at:

- a) Federal Level and Regional Level (to be confirmed by the Joint UN TWG)
- b) Technical and Leadership Level: (two workshops)
 - A 1st workshop will be carried out to contribute to the refinement/verification of the draft assessment report and the outline Justice Sector Roadmap that will inform the design of a justice sector programme document;
 - This includes presentation and validation of the first version of the assessment report and list of recommendations for improvements. Key federal and regional justice organs and other stakeholders will participate in the validation process. International/regional practitioners who have undergone analogous reform processes in their own countries will be invited to share experiences and best practices;
 - The 2nd and final workshop will validate the final versions of the assessment report and recommendations, endorse the Justice Sector Roadmap and the scope of the justice sector programme document. The workshop will feature high-level engagement to ensure the action plan/Justice Sector Roadmap is fully endorsed and the roles and responsibilities and timelines are defined and agreed upon.
 - The final version of the assessment report shall be approved by HoAs of the key UN agencies taking an active part in the completion of the assessment and the GoE.

Deliverable E: Draft Justice Sector Programme Framework Document Submitted

- An outline justice sector programme document reflecting the assessment findings, recommendations, possible remedial measures and priorities identified;
- Presentation to and validation of the draft justice sector programme document by stakeholders; workshop(s);
- Final draft justice sector programme framework document;

VII. LOCATION AND DURATION

This consultancy assignment is expected to be completed within a period of five months. The assignment will be predominantly based in Addis Ababa with required travel for fieldwork to the selected regions in Ethiopia.

VIII. IMPLEMENTATION ARRANGEMENTS

The consultancy firm will be recruited under the UNDP terms and conditions and will operate under the direct supervision of UNDP and overall guidance of the Joint UN TWG.

IX. PAYMENT MILESTONES AND AUTHORITY

The prospective firm shall indicate the cost of services for each deliverable in US Dollars all-inclusive lump-sum contract amount in its proposal when applying for this consultancy. The consultant covers the cost of travel, data collection and other related costs incurred to achieve the results. The consulting firm will be paid only after the approving authority confirms satisfactory completion of each deliverable.

The payment shall be affected as per the following payment schedule:

Payments	Deliverables & Time frame	Approval Should be Obtained	Percentage of Payment
1 st Instalment	Upon submission and successfully presenting and defending the inception report - <i>Deliverable A</i>	UNDP through the Joint UN TWG	25%
2 nd Instalment	<ul style="list-style-type: none"> • Upon submission of the data collection work - <i>Deliverable B</i>. • Presentation and defending of drafts of an assessment report with clear recommendation of programming intervention - <i>Deliverable C</i> 	UNDP through the Joint UN TWG	25%
3 rd Instalment	Upon the submission of final report (approval by HoA) which has incorporated all the comments and feedback provided by consultation workshops - <i>Deliverable D</i>	UNDP through the Joint UN TWG	25%
4 th instalment	Upon submission and approval of draft draft justice sector programme framework document - <i>Deliverable E</i>	UNDP through the Joint UN TWG	25%

X. MINIMUM FIRM REQUIREMENTS

The Company /Firm should have five (5) years work experience.

Team Composition¹

The prospective service providing firm is required to assemble a team of international and national consultants. It also needs to dedicate a Lead Consultant/Team Leader and experts who fulfil or exceed in meeting the following minimum requirements:

- Team Leader with education and international experience in conducting legal systems assessment and support developing justice system reform activities in developing countries especially in designing, formulating and implementing justice sector reform at different levels with demonstrable competency and capacity to take on this assignment.
- Knowledge of UN operational framework in Ethiopia and the ability to analyze existing legal frameworks vis a vis international norms and standards including the SDGs and AU Agenda 2063.
- Knowledge of the existing justice system in Ethiopia
- Knowledge of reform initiatives being undertaken by the government of Ethiopia.
- Knowledge of the relevant legal system indicators and ability to undertake detailed justice system assessment.

- Experience of working on similar assignments with the United Nations or other international organizations would be beneficial,
- Capability to deploy strong multidisciplinary experts required for the analysis, communication and presentation,
- Excellent written and verbal communication skills,
- The consultant team will also facilitate global and regional perspective to the elaboration of the reform process, ensuring linkages between all elements and actors of the process and avoiding the formation of ‘bottlenecks’ as well as building on the experiences of other countries who have gone through similar reform processes. The consultants will share their expertise and insights across all of the thematic areas covered.

The multi-disciplinary team² to support the aforementioned in-depth joint justice system assessment should comprise of members with the following educational qualifications; experience and competencies:

One (1) Lead Consultant/Team Leader:

- **The Lead Consultant will be the Team Leader and Coordinator** who will develop the methodology, provide overall coordination and quality assurance to the assessment. S/he will be responsible for management and coordination of the assessment and reporting back on behalf of the team. Furthermore, the coordinator will take lead with regards to assessment matters and serve as a focal point for both UNDP and the Joint UN TWG.
- The Team leader should have master’s degree or above in law or related disciplines;
- minimum of **12 years’** extensive practical experience on working on issues of justice, rule of law, democratic governance, human rights or policy development; leading complex research activities/similar studies of assessing legal system reforms in Ethiopia or other countries; proven experience of managing/leading diverse teams both in country and remotely. Experience on international comparative best practices of justice sector reforms is a significant advantage.

Three (3) Senior Consultants:

- The Senior Consultants should possess a master’s or advanced degree in law or related disciplines with a minimum of **8 years’** experience in the area of legal systems reform, rule of law, democratic governance, human rights or policy development. It is preferred if the Lead Consultant possesses a mix of the preferred academic qualifications and has been previously engaged in similar studies of assessing legal system reforms in Ethiopia or other countries.
- **Three (3) Associate Consultants:** University Master’s degree with **5 years** or more experience in the area of Project Management, Economics, Human Rights, Development Studies, Gender, Public Policy or related discipline within the framework of legal systems reforms within the technical competencies identified below.
- *Experts engaged are expected to demonstrably apply a lens to evaluate the human rights aspect including women’s and children’s rights (where relevant) gender and social inclusion components of the justice

system and offer recommendations to help make the justice sector more efficient, credible and responsive to the communities it is intended to serve.

A. Technical Competencies

The consultant team shall combine the following expertise:

- Law drafting expertise
- Judicial Expertise
- Child justice expertise
- Civil and Criminal justice expertise;
- Law enforcement /policing expertise;
- Prosecutorial expertise;
- Prison expertise;
- Human rights expertise;
- Court administration, information and communications technology (ICT) applications to judicial operations, or the construction and interpretation of judicial statistical systems.
- Institutional reform or human resources management;
- Gender and social inclusion broadly and if available, specifically within the justice sector
- Experience of working in Ethiopia/ Africa is desirable for international consultants

B. Functional Competencies

- Positive and constructive approaches to work with energy
- Demonstrate openness to change and ability to receive and integrate feedback
- Strong time management and meeting established timelines
- Ability to work under pressure, and to deliver in a timely manner without compromising quality standards

C. Language and Other Skills

- Excellent knowledge of English, Amharic, including the ability to write reports clearly and concisely and to set out a coherent argument in presentation and group interactions
- Basic knowledge other Ethiopian Languages would be an asset.
- Capacity to facilitate and communicate with experts with different qualification and experience participating in the assessment
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications

CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified consulting institutions are expected to submit both the Technical and Financial Proposals. Evaluation will be made based on Cumulative Analysis. In this regard, the respective weight of the proposals is:

- a. Technical Criteria weight is 70%
- b. Financial Criteria weight is 30%

Summary of Technical Proposal Evaluation		Score Weight	Points Obtainable
1	Expertise of Firm / Organization	30 %	300
2	Proposed Methodology, Approach and Implementation Plan	40 %	400
3	Management Structure and Key Personnel ³	30 %	300
	T O T A L	100%	1000
Technical Proposal Evaluation			
Expertise of the Firm / Organization			Points Obtainable
1.1	Reputation of Organization and Staff / Credibility / Reliability / Industry Standing		50
1.2	General Organizational Capability which is likely to affect implementation		90
	- Financial Stability		
	- Age/size/ of the firm		
	- Strength of the Project Management Support		
	- Project Financing Capacity		
	- Project Management Control		
1.3	Extent to which any work could be subcontracted (subcontracting carries additional risks which may affect project implementation, but properly done, it offers a chance to access specialized skills.)		15
1.4	Quality assurance procedure, warranty		25
1.5	Relevance of:		120
	- Specialized Knowledge/education		
	- Experience on Similar Programme / Projects		
	- Experience on engagement on similar assignments in the Region (East Africa/Horn of Africa)		
	- Work for the UN/ major multilateral/ or bilateral Agencies		
	S U B T O T A L		300

³ Submissions should ensure that women are represented within the team.

Proposed Methodology, Approach and Implementation Plan			
2.1	To what degree does the Proposer understand the task?		30
2.2	Have the important aspects of the task been addressed in sufficient detail?		25
2.3	Are the different components of the project adequately weighted relative to one another?		20
2.4	Is the proposal based on a survey of the project environment and was this data input properly used in the preparation of the proposal?		55
2.5	Is the conceptual framework adopted appropriate for the task?		65
2.6	Is the scope of task well defined and does it correspond to the TOR?		120
2.7	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?		85
	SUB TOTAL		400
Management Structure and Key Personnel			
3.1	Task/Project Manager / Team Leader /		
	General Qualifications		
	Suitability for the Project		
	- International experience		25
	- Training experience		20
	- Professional experience in the area of specialization		45
	- Knowledge of region (East Africa/ Horn of Africa)		30
	- Language qualification		20
	SUB TOTAL		140
3.2	Senior Experts		
	General Qualification		
	Suitability for the project		
	- International experience		15
	- Training experience		15
	- Professional experience in the area of specialization		45
	- Knowledge of the region		25
	- Language qualification		20
	SUB TOTAL		120
3.3	Project Staff/ Associate Consultant(s)		
	General Qualification		
	Suitability for the project		
	- International experience		5
	- Training experience		5
	- Professional experience in the area of specialization		10

	- Knowledge of the region	10
	- Language qualification	10
	SUB TOTAL	40
	Aggregate	1000

XI. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, a prospective firm is given a proposed Table of Contents. Therefore, prospective firm Proposal Submission must have at least the preferred contents which are outlined in the Proposal Submission Form incorporated hereto.

XII. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The firm shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the service without prior written consent. Proprietary interests on all materials and documents prepared by the firm under the assignment shall become and remain properties of UNDP.