



## Terms of Reference

### Call for Grant Applications from Civil Society Organizations (CSOs) and Legal Aid Service Providers in Shan, Kachin, and Chin

<b>Services to be provided:</b>	<p>1. Raise <b>awareness of legal rights and due process</b> among vulnerable populations such as ethnic minorities, internally displaced people (IDPs), women, farmers, workers, people with disabilities, and youth</p> <p>2. Provide free <b>legal assistance</b> to these vulnerable populations</p>
<b>Type of Contract:</b>	Low Value Grant
<b>Start/End Dates:</b>	1 <sup>st</sup> November 2021 – 31 <sup>st</sup> October 2022
<b>Locations:</b>	Southern and Eastern Shan, Kachin and Chin

#### I. BACKGROUND

<sup>1</sup> The current context in Myanmar is characterized by political and security instability, compounded by the Covid-19 pandemic. Economic growth has been severely constrained by the pandemic and poverty is expected to increase substantially. Rural and ethnic areas are among the hardest hit. In addition to economic hardship, vulnerable groups face multiple disadvantages in criminal, civil, and administrative legal processes, while often lacking access to legal assistance.

In this context, UNDP seeks to partner with CSOs and legal aid service providers working in Shan, Kachin, and Chin to enhance accessibility to legal services, including legal awareness raising and provision of legal aid services for the most vulnerable segments of society.

#### II. RATIONALE

For the majority of issues with a legal dimension - be it of criminal, administrative, or civil nature – affected individuals in Myanmar do not know how to address the problem and/or are unaware that legal aid and lawyers may be able to support in such situations. In recent surveys only 3% could name an organization providing legal aid and only 0.02% have ever accessed legal aid. People facing problems often do not act because they do not know whom to approach or what to expect, and also because they cannot afford it. Finally, people in Myanmar's rural areas approach lawyers less frequently than in urban areas.<sup>2</sup>

<sup>1</sup> See UNDP, *COVID-19, Coup d'Etat and Poverty: Compounding Negative Shocks and Their Impact on Human Development in Myanmar*, 2021.

<sup>2</sup> Data from My Justice, *Nationwide Justice Survey: Needs and experiences of people in Myanmar*, 2018.

To increase awareness of and access to legal aid, UNDP will partner with CSOs and legal aid service providers in Shan, Kachin, and Chin, to reach underserved vulnerable populations and support them to access and defend their rights through legal assistance and representation. UNDP has a particular interest in reaching disadvantaged, remote or otherwise hard to reach populations, and groups facing discrimination or marginalization. CSOs are uniquely positioned to reach underserved populations, understand their needs and develop innovative strategies for working with them.

Through this initiative, UNDP also aims to strengthen the capacity of CSOs and legal aid service providers in Shan, Kachin, and Chin States to improve their organizational effectiveness and resilience and will also promote networks of legal aid practitioners.

### III. SCOPE OF WORK

1. Raise **awareness of legal rights and due process** among vulnerable populations such as ethnic minorities, displaced people, women, farmers, workers, people with disabilities, and youth
2. Provide free **legal assistance** to these vulnerable populations

The main outputs and contributing activities are:

#### 1. Vulnerable populations will have increased awareness of their legal rights and legal due process:

- a. Conduct community outreach and legal awareness raising for vulnerable populations through mobile legal clinics, in person sessions, and virtual events (depending on access options and COVID-19 situation)
- b. Produce beneficiary-specific legal information materials on legal issues, rules, procedures, and support options relevant for targeted vulnerable groups, in Burmese and ethnic languages used by target groups
- c. Contribute to and participate in the formation and expansion of local, regional, and national networks of legal aid practitioners

#### 2. Vulnerable populations will have greater access to appropriate legal assistance and representation:

- a. Provide legal consultations and legal advice (out of court) on specific criminal, civil, or administrative cases through in-person meetings or through suitable and safe communication channels in Burmese and ethnic minority languages
- b. Provide legal services and legal representation to eligible persons in criminal and other cases at any stage of the pre-trial and investigation period.
- c. Provide legal services and legal representation to eligible persons who appear in court in criminal and other cases, during all stages of procedure (including appeal and revision stages).

#### Eligible beneficiaries of assistance to be provided

- Poor and disadvantaged individuals and groups in any township and location in Chin, Kachin, Southern and Eastern Shan States, Myanmar. The applicant should clarify how it will identify these beneficiaries and what criteria it will use.
- A minimum of 50% of these people should be women and girls.
- Special consideration should be shown for reaching people from ethnic minority groups, IDPs, people with disabilities, farmers, youth and any particular group that in the opinion of the

applicant organisation is disadvantaged and/or marginalized and in the need of free legal assistance.

**Nature of services:**

While the focus of assistance will be on legal advice and representation in criminal matters, the selected grantees may also provide legal support to eligible beneficiaries in administrative and civil procedures and processes. For legal awareness raising activities, grantees will need to tailor and adapt content to the needs of specific groups of beneficiaries, which may, for example, range from rules on domestic violence to labour rights or laws governing ownership of land and property. Grantees will need to closely consult and coordinate with UNDP when designing legal awareness raising activities and materials.

**Location, number of grantees, and budget range**

Applicants may submit proposals for one or several geographical areas.

Location	Number of partnership sought	Budget range (annual)
Southern and Eastern Shan State	3-4 organizations	USD 30'000 to USD 80'000 per organization
Kachin State	1-2 organizations	USD 30'000 to USD 80'000 per organization
Chin State	2-3 organizations	USD 30'000 to USD 80'000 per organization

**Structure of services**

Applicants are free to propose the organizational set up best suited to implement the deliverables in their context, which may vary depending on location, targeted beneficiaries, size of organization, and other factors. For example, applicant organizations may be existing legal aid providers or CSOs seeking to integrate legal assistance in their existing scope of work, for example by hiring individual lawyers. Applicants should clarify how the proposed approach suits their operational context and beneficiaries.

#### **IV. ORGANISATIONS ELIGIBLE TO APPLY**

Eligible organisations are:

- Myanmar CSOs<sup>3</sup> and legal aid service providers that already provide legal awareness raising and legal aid in Eastern and Southern Shan, Kachin, or Chin States, or
- Myanmar CSOs that would like to expand their scope of work (thematically or geographically) to start providing legal aid services in those locations.

**Eligibility Criteria:**

1. Must be a Myanmar Civil Society Organisation with operations already established in Shan, Kachin, or Chin States.
2. Having the necessary permission to provide the services outlined in this TOR (evidenced by

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<sup>3</sup> Civil Society Organisations include: Non-Governmental Organizations (NGOs), Faith-Based Organizations (FBOs), Community Based Organizations (CBOs), Academic/professional organizations, media organizations undertaking public interest work, community networks (at region/district/ward levels), consortia or partnership organizations, Myanmar umbrella organizations. The following organizations are *not eligible* to apply for grants: for profit/private organizations, political parties or organizations affiliated to political parties, trade unions, international NGOs.

- registration, ongoing application for registration, or endorsement from the relevant authorities).
3. A track record of at least three years' work targeting disadvantaged and/or underserved populations in Shan, Kachin, or Chin States.

## V. SERVICES AND DELIVERABLES TO BE PROVIDED

Objective 1: Raise awareness of legal rights and due process		
Activities	Target start date	Expected end date
Activity 1.1: Conduct community outreach and legal awareness raising for vulnerable populations through mobile legal clinics, in person sessions, and virtual events	1 <sup>st</sup> Nov 2021	31 <sup>st</sup> Oct 2022
Activity 1.2: Produce beneficiary-specific legal information materials on legal issues, rules, procedures, and support options relevant for targeted vulnerable groups, in Burmese and ethnic languages used by target groups		
Activity 1.3: Contribute to and participate in the formation and expansion of local, regional, and national networks of legal aid practitioners <ul style="list-style-type: none"><li>Join, participate, and contribute to networking and coordination meetings and events organized by UNDP</li><li>Join, participate, and contribute to capacity building conducted by UNDP and partner agencies</li><li>Provide and facilitate referral service to other legal aid organizations where required</li></ul>		
Objective 2: Provide free legal assistance and representation		
Activities	Target start date	Expected end date
Activity 2.1: Provide legal consultations and legal advice (out of court) on specific criminal, civil, or administrative matters through in-person meetings or through suitable and safe communication channels in Burmese and ethnic minority languages	1 <sup>st</sup> Nov 2021	31 <sup>st</sup> Oct 2022
Activity 2.2: Provide legal services and legal representation to eligible persons in criminal and other cases at any stage of the pre-trial and investigation period		
Activity 2.3: Provide legal services and legal representation to eligible persons who appear in court in criminal and other cases, during all stages of procedure (including appeal and revision stages).		

## VI. HOW TO APPLY FOR A GRANT

⇒ Please refer to the *Application Guidelines* for full details.

The following documents must be included in order for the submission to be considered:

1. Proposal form
2. Budget form

The application should clearly indicate the subject as: “Application for Grants Support”. Applicants must submit their proposals by email to [bids.mm@undp.org](mailto:bids.mm@undp.org)

Only one submission per organization is allowed. Once the application is complete and submitted, revised versions of proposal documents will not be accepted. Applicants shall bear all costs related to proposal preparation and submission.

## VII. EVALUATION AND SELECTION OF GRANT APPLICATIONS

### a) UNDP will review proposals through a five-step process:

- **Step 1: Determination of eligibility**

This first step will consist of checking the administrative responsiveness and/or eligibility of the application, including: submission by the deadline; in the required format; computer-typed in English; application form fully completed with requested documents attached; applicant is an ‘eligible organisation’; requested funding is within specified range; duration is within the timeframe set out in this call for applications.

- **Step 2: Technical review of eligible applications**

All proposals considered eligible at Step 1 will be reviewed and evaluated by a Technical Selection Committee based on the pre-defined criteria and related weighting as summarised below. The evaluation criteria allow the quality of the applications submitted to be assessed consistently and systematically in relation to the objectives and priorities set, and grants to be awarded to projects that are likely to have high outreach and effective delivery to the target groups. The review will include checking that budgets are reasonable, realistic and in line with all activities proposed in the work plan.

CRITERIA	Allocation of points
Project relevance	30
Project implementation	30
Technical capacity and expertise	20
Budget and cost effectiveness	20
<b>TOTAL</b>	<b>100</b>

⇒ Please refer to *Evaluation criteria for grant applications* on p. 18 of the *Application Guidelines* for full details

- **Step 3: Capacity assessment of organisations whose applications have been considered eligible**

UNDP will assess shortlisted applicants' organizational and financial management capacity. UNDP's *Partner Capacity Assessment Tool (PCAT)* will be used, and the findings will also feed into future institutional capacity development activities. At this stage there may be a round of clarifications to seek further information from applicants.

- **Step 4: Submission of recommendations to the Grants Selection Committee**

Based on the results of the technical review and the capacity assessment of short-listed applicants, a Grants Selection Committee composed of members selected based on their technical expertise, neutrality and impartiality (independent from the project) will make final decisions on the allocation of grants based on:

- Scores from Step 2
- Alignment of the proposed grant with the objectives of the Call
- An equitable balance between priority target groups
- An equitable geographical balance
- The targeting of underserved locations
- The allocated share of funds per window
- Level of risk from the capacity assessment in Step 3.
- Quality assurance procedures and risk mitigation measures

- **Step 5: Grant Agreements signed and awards made public**

Successful applicants will be notified in writing and will then enter into a legally binding contract with UNDP. All successful organizations will be provided with orientation and training by UNDP, including on planning, financial management, accountability and reporting.

*Note: UNDP reserves the right not to fund any proposals arising from this Call for Grant Applications*

#### **b) Budget size and duration**

**The budget for any grant application submitted by an applicant organisation should fall within the range of USD 30,000 to a maximum of USD 80,000.**

The amount requested in the proposal should align with the organization's administrative and financial management capacities. In principle, **project duration will be 12 months** depending on actual start date; shorter periods may be considered for lower value proposals.

⇒ All applicants will present a detailed budget using the template in *Annex 2: Budget form*, which is embedded in the *Application Guidelines*

The applicant is required to provide the detail of the costs to implement the proposed activities (including operational support, technical assistance, monitoring, overheads, etc.). The applicant's costed budget will be the basis of a "value for money" assessment during the proposal evaluation process.

**c) Estimated Timeline**

17 September 2021:	Call for Grant Applications opens
17 October 2021:	Deadline for organizations to submit proposals
1-2 November 2021:	Evaluation and initial selection processes will take place
3-6 November 2021:	Partner Capacity Assessment will be conducted
22-26 November 2021:	Final evaluation and selection process
29 Nov – 15 Dec 2021:	Contracting process
3 January 2022:	Envisaged start of projects
3 January 2022:	Project initiation meeting planned with all grantees