

## Terms of Reference (TOR) Local Consulting Firm

**Country:** Timor-Leste

**Description of the Assignment:** A needs assessment and capacity development strategy for the Public Defender's Office

**Project Name:** Accelerating Access to Justice for All in Timor-Leste (AAJAT)

**Period of Assignment/Services:** 55 working days over a period of 3 months (from 1 October 2021 to 31 December 2021)

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### A. Background Information and Rationale, Project Description

UNDP is a longstanding institution in Timor-Leste, especially with a justice programme. UNDP's Justice Project has assisted the Government of Timor-Leste (GoTL) in designing the architecture of the justice sector of Timor-Leste, headed by the Ministry of Justice and the Judiciary, in the post-conflict context since 2003. In recent years, UNDP has expanded its access to justice portfolio with a heightened focus on gender justice – gender inequality and gender-based violence. In 2020, UNDP joined the *EU-UN Spotlight Initiative to Eliminate Violence Against Women and Girls in Timor-Leste (Spotlight Initiative)* which was launched in three municipalities – Bobonaro, Ermera, and Viqueque. UNDP has also initiated a new justice project, *Accelerating Access to Justice for All in Timor-Leste (AAJAT)* and Human Rights-Oriented Prison Enhancement (HOPE) for Gender Equality, and also partake in another new UN Joint Program funded by Korea International Cooperation Agency (KOICA), *Hamutuk ba Igualdade (Together for Equality): Preventing and Responding to Gender-Based Violence*.

In these projects, UNDP is exclusively tasked, among others, with the service delivery of the justice sector to increase access to justice of domestic violence/gender-based violence survivors and people residing in remote areas. The scope of work includes i) enhancing access to justice of women GBV survivors (access to legal information, strengthened legal aid), ii) strengthening gender-responsiveness in the sector (survivor-centered and responsive criminal justice processes, increase of women's representation in the legal profession), and iii) correctional facilities in line with the human rights standards and female inmates' special needs. Spotlight Initiative and AAJAT/HOPE/Together for Equality are designed to complement each other and have been implemented in a collaborative manner.

Specifically, AAJAT focuses on its support to the beneficiary groups who are deprived of a means to readily access the formal justice system due to pervasive poverty, illiteracy and language barrier, lack of information, and gendered social norms. Project activities include support to the state-owned legal aid service to be gender-mainstreamed, the institutionalization of survivor-centered approaches, and actions to enhance women's representation in the justice sector. The following are the expected Outputs:

- 1) Output 1: Strengthened sustainability and the institutional capacity of state-owned and grassroots legal aid services to better serve the disadvantaged groups, particularly rural women and girls
- 2) Output 2: Enhanced capacity of the rule of law institutions to uphold zero tolerance of GBV
- 3) Output 3: Improved gender sensitivity with increased competence and legal knowledge among future legal professionals through mentorship and internship programs

The Scope of Work for this particular announcement concerns conducting the needs assessment and developing the strategy for the institutional capacity development of the Public Defender's Office (PDO) under Output 1, as seen above. Pursuant to Article 15 and Article 16 of Decree-Law No. 12/2008 (Organic Statute of the Ministry of Justice), *the Public Defender's Office is an agency endowed with technical autonomy, subject to the oversight of the Ministry of Justice, responsible for providing full and free judicial and extrajudicial aid to economically underprivileged citizens* (Decree-Law No. 38/2008). The PDO's detailed mandates can be found in the said laws.

UNDP has supported the PDO in seconding the public defender advisors from Brazil through the tripartite partnership among the PDO/MOJ, Brazilian PDO, and UNDP until 2018. UNDP has also assisted the PDO since 2017 in establishing the *Access to Justice Clinics*, an extrajudicial section providing Alternative Dispute Resolution (primarily, mediation of civil cases) and community outreach campaigns (Article 22, Decree-Law No. 10/2017). The Access to Justice Clinics (AJCs) were initially established in the Baucau and Suai Judicial Districts, covering eight municipalities (Baucau, Lautem, Viqueque, Manatuto, Covalima, Ainaro, Same, and Bobonaro). New AJCs offices will soon be constructed in Viqueque and Bobonaro through the support of the Spotlight Initiative, and the one in Oecusse is in the pipeline through the support of the Together for Equality.

With the heightened focus on gender justice as described above, the PDO's role in assisting the GBV survivors has come to the fore for further needs of strengthening. The public defenders have the responsibility, among others, to accompany the survivors of Domestic Violence, provide legal advice, and closely collaborate with the Public Prosecutor throughout the legal proceedings regardless of the survivor's financial capacity to retain a lawyer (Articles 25 and 28, Law Against Domestic Violence). The PDO has not been able to fulfil the said responsibilities, seemingly due to the limited resources. It appears that institutional reform and comprehensive capacity development should be accompanied for the PDO to expand the scope of work from the current focus on the defences' access to counsel to concurrently reinforced legal aid service to the survivors. In this context, the consultancy service will assess the needs and formulate a strategy and a roadmap of the institution so that the PDO could confidently exercise its expertise and contribute to enhancing access to justice for GBV survivors and economically disadvantaged people.

## **B. Objectives**

The objectives of the assignment are to:

- Provide the PDO with the vision about the institutional capacity development with actionable recommendations, strategies, and a roadmap based on sound needs assessment

- Strengthen the PDO's gender mainstreaming and capacity to effectively respond to the needs of GBV survivors where the survivors can make informative decisions and feel safe, respected, and heard during the legal proceedings without secondary victimization

### C. Scope of Work

Under the supervision of the Project Coordinator/Manager, the incumbent is expected to perform the following tasks:

- **Conduct the needs assessment of the PDO with recommendations**
  - Conduct the desk research, consult and interview the relevant professionals and stakeholders of the PDO and other institutions
  - Assess the gap and needs and provide the recommendations, on the areas of, among others, institutional structure, strategic partnerships, communications, operations, staffing, and financial resources and management, and particularly on gender mainstreaming and in responding to the needs of GBV survivors
- **Develop the short and mid-term strategy and long-term roadmap for the PDO's institutional capacity development and gender-responsiveness**
  - Formulate the strategies and roadmap based on the said needs assessment for the immediate action/implementation points and five to ten years of foresight

### D. Approach and Methodology

The bidder shall suggest the most appropriate approach and methodology for each of the prescribed tasks according to the basic guides and expectations as below. The approach and methodology must be in line with the most up-to-date international best practices, and yet tailored to the local and institutional contexts.

### E. Expected Outputs and Deliverables

The expected outputs and deliverables are outlined in the below table:

Outputs/Deliverables	Estimated Duration to Complete And Target Due Dates	Breakdown of the Payment	Review and feedback	Review and Approvals Required
<b>Deliverable 1:</b> <ul style="list-style-type: none"> <li>• Submission and approval of the inception report with</li> </ul>	7 October 2021	10%	AAJAT	AAJAT Project Coordinator/Manager

the approach, methodology and detailed work plan				
<b>Deliverable 2:</b> <ul style="list-style-type: none"> <li>Submission and approval of the first draft of the needs assessment</li> </ul>	5 November 2021	20%	AAJAT	AAJAT Project Coordinator/Manager
<b>Deliverable 3:</b> <ul style="list-style-type: none"> <li>Submission and approval of the final needs assessment, incorporating feedback</li> <li>Submission and approval of the first draft of the strategy and long-term roadmap</li> </ul>	30 November 2021	30%	AAJAT	AAJAT Project Coordinator/Manager
<b>Deliverable 4:</b> <ul style="list-style-type: none"> <li>Submission and approval of the final draft of the strategy and long-term roadmap</li> </ul>	16 December 2021	40%	AAJAT	AAJAT Project Coordinator/Manager

The payment will be processed upon the submission and approval of the above deliverables developed by the incumbent.

#### F. Key Performance Indicators and Service Level

Key Services	Minimum standard of services acceptable	Indicators (Baseline and Target)
Conduct the needs assessment of the PDO with recommendations	<ul style="list-style-type: none"> <li>Specific areas, including the gender mainstreaming and GBV responses, were selected in the needs assessment with supporting statements</li> <li>Consultations and interviews were conducted with all key professionals in the PDO both in Dili and a couple of districts</li> <li>Consultations and interviews were conducted</li> </ul>	PDO and MOJ staff satisfied with the consultation/interview processes and the findings of the assessment draft (Baseline: None, Target: Yes)

	with all relevant stakeholders of the PDO <ul style="list-style-type: none"> <li>• All relevant laws and policy papers were consulted</li> </ul>	
Develop the short and mid-term strategy and long-term roadmap for the PDO's institutional capacity development and gender-responsiveness	<ul style="list-style-type: none"> <li>• Detailed as well as comprehensive strategy and roadmap developed with clear action points per institutions or as appropriate</li> <li>• Specific strategy developed for the PDO, among others, to become more gender-responsive institution</li> </ul>	PDO and MOJ staff satisfied with the strategy and roadmap draft (Baseline: None, Target: Yes)

## **F. Governance and Accountability**

The contractor will report directly to the Project Coordinator/Manager, and the Head of Governance Unit will also review the tasks as a lead of quality control.

## **G. Facilities to be provided by UNDP**

UNDP will provide coordination support at the initial stage with the PDO and other institutions, Civil Society Organizations, universities, where required and if available.

## **H. Duration of the Assignment**

The expected duration of the work is for 3 months for a maximum of 55 days from 1 October 2021 to 31 December 2021.

## **I. Duty Station**

The contractor will be based in Dili, Timor-Leste, for the entire period of the assignment, with field works if required to undertake the tasks. Remote work arrangement is only possible when the firm has field officers on the ground in Dili.

## **J. Professional Qualifications of the Successful Contractor and its Key Personnel**

### **1) Eligibility Criteria:**

Valid business license in field of Business Management or Law to operate locally in relevant field

Full acceptance of the Contract General Terms and Conditions

At-least 1 similar contract for provision of similar service to international/national organizations during last 5 years with value of US\$ 20,000.

At-least 3 years of operational experience

An average Financial turnover of \$30,000 during last 2 years (2019 and 2018)

2) Key staff qualifications are delineated as below:

Team Leader/Institutional capacity development expert/Lead drafter (Submission of his/her CV required)

a. Academic Qualifications:

- Bachelors' Degree in human resources, business management, business administration, or related field

b. Years of experience:

- Five years or more of professional experience in institutional capacity building;
- Expert knowledge of and experience in conducting the needs assessment and designing strategic plans for institutional capacity development;
- Excellent knowledge of the government/governance structure and institutions in Timor-Leste;
- Excellent knowledge of women's participation and empowerment programming;
- Strong interpersonal, oral and written communication skills;
- Experience working with UNDP, other UN entities, donor organizations or development organizations is an asset.

c. Language requirements

- Fluency in Tetun, Portuguese, and English

Legal Expert (Submission of his/her CV required)

a. Academic Qualifications:

- Bachelors' Degree in Law

b. Years of Experience:

- Three years or more professional experience in the areas of justice, with a strong focus on gender or social justice;
- Excellent knowledge of the Timorese legal system and experience in working with the justice institutions in Timor-Leste;
- Experience in practicing law or legal advisory services in the civil law system, especially representing the GBV survivors is an asset.

c. Language requirements

- Fluency in Tetum and Portuguese (both oral and written)
- Working proficiency in English is an asset.

## **K. Price and Schedule of Payments**

The contract price is a fixed deliverable-based price regardless of extension of the herein specific duration. The proposers are expected to identify all cost components in the price schedule as per the requirement of the Terms of Reference.

### **Schedule of Payment:**

The payment will be deliverable-based. The payment will be delivered in instalments, which shall be payable on the completion of each deliverable set out. The confirmation that a deliverable has been completed and a payment instalment is due shall be made by the Project Coordinator/Manager.