



The Asia Foundation

Terms of Reference – Short Term National Advocacy Strategy Development for Bridging the Gap between the Formal and Informal Justice Project (BGFII)

Position/ Activity:	Short Term National Advocacy Strategy
Program:	Women’s Empowerment Programme (WEP)
Who can apply:	<u>Open to Individual Experts, Consultants / Consulting Agencies</u>
Report to:	Director of WEP and Project Manager BGFII project
Location:	The consultant will be based in Kabul. It is expected that consultant will also travel to Baghlan, Balkh, Jawzjan, Kunduz, Samangan and Takhar provinces.
Date of Announcement:	May 19, 2019
Closing Date:	June 20, 2019

1. Project Background

The Asia Foundation is a non-profit international development organization committed to improving lives across a dynamic and developing Asia. Informed by six decades of experience and deep local expertise, its programs address critical issues affecting Asia in the 21st-century – governance and law, economic development, women's empowerment, environment, and regional cooperation. Headquartered in San Francisco, The Foundation works through a network of offices in 18 Asian countries and in Washington, DC.

In Afghanistan, the Foundation has been a leading advocate for women’s empowerment and works on the premise that improving social, economic, and political opportunities for women will improve society overall. The organization has pioneered projects to promote opportunities for Afghan women by forging strategic relationships with government institutions, local NGOs, and influential non-state actors, particularly traditional community and religious leaders. By strengthening the formal and informal justice sectors, encouraging institutional reform, and raising awareness of women’s rights within an Islamic framework, the Foundation’s projects contribute to a sustained reduction in violence against women and expand women’s personal and social security.

The project, “**Bridging the Gap between Formal and Informal Justice**” is a cooperation between the Kingdom of the Netherlands, Germany (BMZ/GIZ Rule of Law Project) and the Asia Foundation in Afghanistan. The project aims to improve the links and exchanges between different justice sector stakeholders; strengthen their relationship and improve the quality of justice services within the different sectors; and support capacity building of both informal and formal justice actors in Afghanistan leading to better overall access to justice for the population.

The project will be implemented under two primary components:

Component 1 focuses on the interaction between formal and informal justice providers. An important element of this component is the support of the development, drafting and implementation of the Law on Conciliation on Civil Disputes, which will regulate the relationship between formal and informal justice providers and establish unified standards for their interaction.

Component 2 focuses on activities implemented for stakeholders from the formal and informal justice sectors, with GIZ focussing mainly on actors of the formal justice system and The Foundation on informal justice providers. Activities include building the capacity of (male and female) jirga members and strengthening the capacities of formal legal aid providers (like legal clinics or Gender Focal Points). Another major aim of the project, under both components, is strengthening the linkages between the different justice sectors while synergy activities will be implemented wherever possible. And throughout all activities, a special focus will be placed on improving the conditions of women in Afghanistan.

Overall objective and expected outcomes of the project:

The project seeks to improve the quality of and access to formal and informal justice sectors in Afghanistan, while the specific objectives of the project are as follows: ***The capacity of and the linkages between formal and informal justice actors have improved.***

Component 1: Improving the Interplay between Formal and Informal Justice Sectors

Expected Outcome: *The coordination and cooperation between formal and informal justice sectors have improved.*

Component 2: Supporting Formal and Informal Justice Providers

Expected Outcome: *The capacities of formal (e.g. huquqs, legal clinics, gender focal points) and informal (e.g. jirgas/shuras) justice providers have increased, particularly with regards to women's rights.*

2. Purpose of the Consultancy Services

Under Component 2 of the Bridging the Gap between Formal and Informal Justice project, the Foundation intend to advocate for revisions and implementation of Jirga/shura Law on Conciliating of Civil Disputes. To achieve this objective the Foundation will hire an expert to develop a detailed advocacy strategy in coordination with informal justice sector and the Ministry of Justice.

3. Objective of the Consultancy Services

The overall objective of this consultancy is to facilitate the Foundation to develop an effective advocacy strategy to support the Jirga/Shura Law on Conciliation of Civil Disputes.

4. Methodology and Scope of Work

a) Methodology: The study will apply the most appropriate technique/ methodology approach that will focus on the objective highlighted above. However, these are not limited to the use of desk review and key informant interviews to help in the formulation of the indicators. The Consultant will be expected to provide this methodology in the inception report.

b) Scope of the Consultancy: The successful consultant will be required to carry out the following activities/tasks:

Task 1: Develop the Draft Advocacy Strategy

Develop an advocacy strategy that analyzes the situation, identify advocacy issues, set goals and objectives; analyze policy and power, identify targets and influencers, develop an action plan, resourcing and implementation of the plan.

Task 2: Present the Draft Advocacy Strategy to the National Conference in Kabul

The consultant shall attend and present the developed strategy with key stakeholders in the national conference in Kabul and six one-day workshops in six target provinces (Baghlan, Balkh, Jawzjan, Kunduz, Samangan, and Takhar). The six workshops (one per province) will create space for formal and informal justice sector actors to review and discuss the Jirga/Shura Law on Conciliation of Civil Disputes and the advocacy strategy. The Kabul National Conference will involve influential stakeholders such as

representatives from the Ministry of Justice, both houses of parliament, subnational government institutions, and CSOs. During the national conference, findings and recommendations will be presented for discussion and agreement on necessary changes to the Jirga/Shura Law on Conciliation of Civil Disputes and how it should enter implementation. The six provincial workshops and national conference will be organized by the Foundation and its implementing partner. The consultant will be responsible to generate the debate and discussion on Jirga/Shura Law on Conciliation of Civil Disputes and the strategy and draft reports of the proceedings.

Task 3: Final Advocacy Strategy

Finalize the Advocacy strategy with recommendations with the validation team to be constituted for this purpose by the Foundation.

Target Audience Users:

The strategy will target: Ministry of Justice, Formal and Informal Justice stakeholders, development partners, Bar Associations, Legal Aid service providers, government, media and the public.

5. Key Deliverables/ Expected Outputs

The following are the expected deliverables during the consultancy period: -

Inception report: Building on the initial proposal submitted, the selected consultant will be expected to prepare an inception report within 2 days of being awarded the contract. The inception report must include a clear understanding of the terms of reference, budget, description of the methodology, including data requirements, data sources and methods of collection, and a work plan with a clear timetable proposed to execute the assignment, illustrated where appropriate, with charts for activities.

Draft Advocacy Strategy Document: The selected Individual consultant / agency will be expected to conduct a comprehensive desk review to gather data which is available from routine statistics and analysis. This must utilize reliable sources and be referenced to academic standards. In addition, the consultant will be required to carry out key informant interviews to verify literature and to get baseline information that may not necessarily have been documented.

Action Plan and Resourcing Plan: The selected Individual consultant / agency will prepare and an action plan with implementation plan and resource requirements.

Final Study Report: The consultant will incorporate feedback and prepare a final report with the advocacy strategy and action plan.

6. Duration of the Consultancy Services

The study will be conducted within the fastest time from the date of commissioning. To be mention in your proposal.

7. Reporting

The consultant in all undertakings and processes related to this assignment shall report to the Director Women's Empowerment Programme and Project Manager.

Supervision: The Individual consultant / agency shall work closely with the Director Women's Empowerment and Project Manager throughout the study period.

8. Principles

Respect: The Individual consultant / agency should respect the views of all stakeholders and participants engaged during the assignment.

Equality: The Individual consultant / agency is expected to provide equal participation and ensure reflection of the views as gathered from the participants.

Acknowledgement: All opinions and beliefs expressed by participants are valid. Consultants should not show preferences for one opinion or belief over another. **Investigation:** Focus group discussions and interviews are designed to obtain an in depth understanding about the relevant issues. Hence, opinions and beliefs expressed by participants should be investigated beyond the surface level. Investigation should be flexible and continue until further responses provide no new information.

Unbiased: Consultants should lead the discussion without preconceived ideas about what the participants will say, or worse, what they want the participants to say. Consultants should avoid using leading questions.

Confidentiality: All information provided by participants should be held in confidence. Consultants will protect the anonymity and confidentiality of all participants, and this communication should be made available on start to build the confidence of the participants.

9. Qualifications/specialized Knowledge and Experience

The Individual consultant / appointed individual from the agency must have the following;

- Master's degree or its equivalent in Development Studies, Social Sciences, Law, or Human rights, with at least 5 – 10 years of experience in research especially in the Access to Justice Sector.
- A degree in Law will be an added advantage.
- Very good knowledge of methodologies for qualitative and quantitative research.
- Proven experience in Human Rights based approach to development and in designing and leading researches on Access to Justice.
- A good knowledge of concepts of informal justice sector and Programme aimed at improving access to justice for women and the poor.
- Ability to produce well-written reports, in a plain and understandable text, demonstrating excellent analytical and communication skills.
- S/he should have very good verbal, analytical, writing, skills and computer literacy.
- Knowledge of the Justice Law and Order Sector, and Women's Empowerment Sector.
- Demonstrable leadership skills and the ability to work successfully with strict targets and deadlines in difficult circumstances.
- Ability to work equally well with local, national and international organizations.

10. Application Process

Application are invited from interested Individual Experts or Consultancy Firms.

Send a cover letter responding to the Advert that includes a current CV or CV's of the expert/s, a technical proposal, a proposed work plan, time lines and a budget., no later than **June 20, 2019**, to:

country.afghanistan.procurement@asiafoundation.org

All applicants/bidders shall clearly indicate the position/activity (Short Term National Advocacy Strategy Expert/Consultant) in the subject line of the email.

11. Evaluation

The evaluation will consist of two stages:

Stage one: The technical proposals shall be evaluated by the management who will recommend their preference to the Programme committee.

Stage two: All companies/individuals nominated in stage one, will be evaluated by the Programme committee for the approval and selection of the most successful candidate.

Note: Only shortlisted agencies / candidates will be contacted for the one-on-one In-depth interviews and discussions.