



Terms of Reference

**Somalia-Based Research Company to undertake
Field Research for Rapid Mapping of the Justice
Sector in Somalia**

October - November 2018

BACKGROUND

The Expanding Access to Justice (EAJ) Program is a new USAID Program, implemented by Freedomhouse, Pact and the American Bar Association. It has three primary objectives:

1. To improve the public's access to legal information through research, analysis, outreach, and policy interventions
2. To enhance the quality and reach of legal aid services
3. To increase the capacity and sustainability of Legal Aid Organizations (LAOs)

Improving access to justice is not simply about taking cases to court, but rather ensuring that people are able to make informed decisions about their pathway to justice and achieve an outcome that best fulfills their human rights. As a critical interface between individuals, communities, justice actors, and different normative systems, Somali Legal Aid Organizations and paralegals are uniquely positioned to guide clients through the plural legal system and catalyze social change by introducing different justice concepts and sparking dialogue at the local level.

The Expanding Access to Justice Program (EAJ), working hand in hand with local organizations, will use an iterative approach to enable sustainable change and inform broader justice approaches in Somalia. It will underpin the improvement and expansion of legal aid services with ongoing analysis and application of learning. The aim is not to promote one set of institutions over another or to increase the number of cases going through the formal system, but rather to ensure that individuals and communities, especially women and marginalized groups, obtain rights-based resolution of their justice issues.

EAJ will partner with local organizations, which will directly deliver legal aid services with grants and capacity development from the Program. EAJ will play a facilitative role by providing technical guidance, supporting organizational improvements, promoting and documenting learning and adaptation, and ensuring overall program quality, using an accompaniment approach in which project staff are embedded with partners in each target region to offer hands-on support.

Under Objective 1, the EAJ has a strong analytical component, under which it will conduct access to justice assessments and political economy analysis throughout the Program. During the inception phase, key baseline data will be established through a Rapid Mapping of the Justice Sector in Somalia.

GOAL/PURPOSE

The purpose of this consultancy is to collect field data in five States (Somaliland, Puntland, Mogadishu, Jubaland and South West State) for the Rapid Mapping of the Justice Sector exercise.

The purpose of this rapid mapping exercise is to **broadly describe the key stakeholders and features of justice delivery in Somalia**. This will involve identifying relevant laws and policies, justice institutions and authorities, key grievances, and challenges and barriers to access to justice in Somalia. The mapping exercise will help guide the development of additional research under EAJ, including the more in-depth access to justice research, as well as continuation of political economy analysis after the inception phase of the Program. It will also help the EAJ team to begin identifying potential partners, critical stakeholders, and potential points of engagement, which can be further probed through the deepening of analysis.

The rapid justice mapping exercise represents the EAJ program's first step toward developing a robust **evidence base** that is mutually agreed upon with USAID and other program stakeholders, including LAOs and government, per Objective 1 of the program. Thus, the outcomes of the analysis and follow-on analytical products will provide a basis for informed, data-driven decision making during the inception period and beyond.

The EAJ Program will strike a balance between broadly identifying and mapping key justice institutions and their actors on one hand, and ensuring adequate focus so that the study is feasible and yields practical information on the other hand. The EAJ will accomplish this by seeking to map key justice institutional stakeholders (including government entities, courts and other justice institutions, and Legal Aid Organizations (LAO)) as comprehensively as possible. However, to make the analysis more focused and applicable, it will be based on distinct thematic areas of grievances that are brought up to different justice fora – gender-based violence (GBV) and family laws issues, as well as land rights. Notably, the mapping of government services, legislation and policy, and related informal dynamics will focus on these particular themes.

The mapping exercise will be focused regionally on Somaliland, Puntland, Mogadishu/Benadir, Jubaland, and South West State, while also examining key features related to the federal level. A summary of content to be covered through the assessment is described below:

| | |
|--|---|
| <i>Government institutions</i> | Review of the role and reach of key State and Federal government institutions engaged in justice-related services or programming; limited review of capacity issues |
| <i>Justice institutions</i> | Identification of all formal and informal justice institutions and authorities (i.e. courts, adjudication centers, Imams, Elders, etc.); Capture of information related to caseloads (where possible), approach, normative basis, and capacities |
| <i>Legal support institutions</i> | Identification of LAOs and other institutions (e.g. universities or NGOs) providing support to justice delivery; review of their overall portfolio, their role/reach and basic information related to caseloads, types of cases, approach, and capacity |
| <i>Legislation and policy</i> | Review of purpose, scope, and basic information of key legislation and policies related to the administration of justice, centering around GBV, family law issues and land rights, as well as the provision of legal aid and paralegalism; capture information related to pending bills or draft policies |
| <i>Donor programs and initiatives</i> | Review of the purpose and reach of key donor programs and initiatives; identify key implementers, partners, and coordination fora |
| <i>Key issues and dynamics</i> | Review of available state-level data on GBV, family law issues land disputes |

A simple but structured research approach will be employed to mapping justice institutions and authorities at the State level. This will include making maximum use of **secondary research** given that there exists significant justice-related literature in Somalia. It will also include **primary research** aimed at collecting targeted information about local stakeholders, projects, and issues that cannot be obtained through existing literature. There will be at least two key elements to the secondary research:

- *Review of laws and policies:* The ABA ROLI’s legal review team, will perform a basic review of key laws and policies to identify the purpose and scope of existing legal statutes and regulations, focusing on GBV, family law, and land rights, as well as paralegalism and the provision of legal aid. This initial review will be guided by the “information collection table” for law and policies provided in Annex 1.
- *Literature review:* An international consultant will review relevant studies, academic articles, and other literature to synthesize existing evidence to frame key features of all justice institutions again focusing on GBV and family issues, as well as land rights.

Primary research will be used to develop up-to-date and context-specific data at the state level. The research company will provide field researchers that will conduct a series of consultations with key stakeholders in the form of *individual consultations* and *focus group discussions*.

Given the limited timeframe for this rapid mapping, primary research will focus on urban areas, including Mogadishu, Hargeisa, Garowe and Kismayo, and Baidoa. Consultations will include government officials, LAOs, NGOs, teachers at law schools, academics, administrators of courts and informal justice fora, etc...

TIME LINE:

Time Table for Research Company on Rapid Mapping of the Justice in Somalia

| | |
|-------------------|---|
| 10 October 2018 | Selection and contracting of field researchers completed |
| 15 October 2018 | Reception of questionnaires and interview guides Training of research teams completed |
| 15 Oct. – 10 Nov. | Field work in five states Continuous submission of field data to the international consultant |
| 10 Nov. - 15 Nov. | Stand-by research teams respond to clarification questions and support analysis of data debrief of field research |

OBJECTIVES:

The main objectives for the research company are:

- a. To conduct the Rappid Mapping Exercise
- b. Support the primary data collection for the Rapid Mapping exercise

EXPECTED RESULTS (OUTPUTS)

The expected outputs from this work are as follows:

- Provide primary data collection through field research in 5 States of Somalia

PROCESS/TASKS/SCOPE OF SERVICES

The research company will need to undertake the following tasks to achieve the above-mentioned objectives:

1. Selection of field research teams (two researchers per State, preferably a male and female researcher in each State)
2. Training of research teams, based on guidance from international consultant
3. Deployment of field research teams in 5 States,
4. Implementation of primary data collection in 5 States
5. Submission of high-quality data sheets presenting the results of the interviews and FGDs
6. Support to analysis of data, primarily conducted by the international consultant

KEY DELIVERABLES:

The Research Company will submit the following deliverables during the assignment:

1. High-quality data based on interviews and FGDs in 5 States in Somalia

SUPERVISION AND QUALITY ASSURANCE

The Research Company will be supervised by the EAJ Research Team Leader and will work in close cooperation with the International Consultant.

PERIOD OF CONSULTANCY

This work is expected to take place between 10 October and 15 November 2018.

ASSURANCE OF CONFIDENTIALITY

All deliberations relating to this assignment, including all information collected from various meetings/documents shall be kept confidential and shall not be divulged to any third party either verbally or in writing or in any other form.

APPLICANT SKILLS AND QUALIFICATIONS

The Research company should have the following educational qualifications, skills and experience:

1. Ability to rapidly deploy field research teams across Somalia;
2. Previous experience in primary field research on access to justice topics
3. Ability to deploy highly capable and flexible researchers that can deliver data in English

LOGISTICS AND PROCEDURES

The Research Company will be responsible for covering all transport costs, office space, equipment required for the assignment. The Research Company has duty of care vis-à-vis the researchers.

SUBMISSION REQUIREMENTS

Submit the following documents with their expression of interest for this consultancy:

- Company Profile
- Proposed work plan to perform the consultancy's assignment (This should include activities, methodologies and time frame)
- A cost proposal (not to exceed 24,990 USD)

CONTACTS FOR SUBMISSION AND DUE DATE

Submit the EOI and supporting documents to kenyahr@pactworld.org by **12:00pm on Friday 5th October 2018** quoting "**Research for Rapid Mapping of the Justice Sector in Somalia**" Research Firm on the subject line.