



TERMS OF REFERENCE

National Consultant for Development of Strategy for Legal Aid Service Provision in Lao PDR

Ref#: RPS_176_2021

Name of service:	National Consultant for Development of Strategy for Legal Aid Service Provision in Lao PDR		
Contract Type:	Individual Contractor		
Project:	Strategic Support to Strengthen the Rule of Law (3S-RoL), under Rule of Law and Human Rights Cluster, Governance Unit, UNDP Lao PDR		
Reporting to:	Seán O'Connell, Team Leader for Governance, UNDP Lao PDR		
Duty Station:	Vientiane, Laos	Travel Required:	Yes
Duration of Assignment:	40 working days (October – December 2021)		
Application Deadline:	26 September 2021		
Start Date:	4 October 2021	End Date:	24 December 2021

I. BACKGROUND & PROJECT DESCRIPTION

UNDP Country Office in Lao PDR: Guided by the global [UNDP Strategic Plan \(2018 – 2021\)](#) and [UNDP Country Programme for Lao PDR \(2017 – 2021\)](#), the UNDP Country Office (CO) in Lao PDR works closely with government agencies, mass organizations, civil society, development partners, and the private sector at both national and sub-national levels in pursuit of the national socio-economic development priorities defined in Lao PDR's five-year National Socio-Economic Development Plan (NSEDP) and the Sustainable Development Goals (SDGs). The UNDP CO's work is strongly focused on the provision of policy advice and technical support to the Government in the design and implementation of national legislation and strategies across four broad Priority Pillars – (1) inclusive growth and reduced inequalities, (2) UXO clearance and risk education, (3) natural resources, climate change and disaster risk reduction, as well as (4) effective, responsive and accountable governance.

UNDP Lao PDR, Governance Unit: The CO's programming on effective, responsive and accountable governance, *inter alia*, focuses on the provision of policy advice and technical support to the Government to (1) enhance the rule of law, access to justice, protection of human rights, (2) strengthen people's participation in

decision-making through increased access to information and political representation, (3) enhance public administration reform through institutional capacity-development and implementation of the Government's decentralization policy (Sam Sang Directive).

UNDP and Rule of Law: Lao PDR has made significant strides towards becoming a rule of law state in recent years, guided by the Legal Sector Master Plan (LSMP). In this regard, the "Strategic Support to Strengthening the Rule of Law" (3S-RoL) project was launched with support from UNDP to primarily increase access to justice and further enhance the rule of law for the period 2017-2021.

A key component of the project, and the broader strive towards increased access to justice, is the provision of legal aid. In Lao PDR, legal aid is enshrined by the Legal Aid Decree (PM No. 77, 2018), and in practice is provided by the Ministry of Justice (MOJ) through legal aid centres and mobile legal aid clinics.

In 2020, the 3S-RoL project supported justice departments in three provinces (Huaphan, Xiengkhuang, and Savannakhet) to provide services more efficiently and effectively. This included the agreement to establish new legal aid offices at the district level. Last year, the legal aid offices supported by UNDP helped 5,359 people access legal aid overall (Xiengkhuang 1,795; Savannakhet 2,574; Sekong 721; and Attapeu 269).

Beyond the project, the Lao government and development partners are making a number of interventions to support the provision of legal aid in the country. This includes:

- Support to the establishment of provincial and district legal aid offices (Vientiane, Bokeo, Luang Namtha, Bolikhamsay and Khammuane provinces), including training programmes for their operation (LuxDev);
- Dissemination, training, student involvement on legal aid, and awareness raising (CEGGA);
- Legal aid support programme aimed at improving legal aid capacities of MOJ, LBA, and NPA, as well as the training of provincial and district departments of justice to provide legal aid (USAID/TAF).

This multitude of actors and interventions in the sector highlights the importance given to strengthening legal aid as a means to improve the rule of law in Lao PDR. However, to support MOJ in ensuring these efforts continue to complement each other, it is proposed to develop a clear strategy to guide current and future engagements in the sector by MOJ and its development partners.

II. OBJECTIVE

The key objective of the assignment is to develop a strategy for the period 2022-26 for the provision of legal aid with the Judicial Systems Promotion (JSP) Department, Ministry of Justice, including an overall review of the legal aid system in Lao PDR, overview of the legal framework, how legal aid is implemented at the national and local levels, gaps, and challenges in both the laws and implementation, as well as recommendations for improvement and suggestions for specific areas that the government and its development partners should focus their attention and resources.

The strategy should seek to address some of the following questions in its development:

- What is the legal basis for the legal aid system in Lao PDR? Are all core aspects sufficiently regulated?
- Who provides legal aid in Lao PDR and where?
- How are legal aid providers chosen and trained? What training do they receive, where, when and how often? Who is responsible for training (initial and ongoing) legal aid providers?
- Who monitors the provision of legal aid and how?
- Are there any legal aid providers who are specialised in dealing with particular types of disputes and clients with specific needs (e.g. persons with disabilities (PWDs), survivors of gender-based violence, children, members of ethnic minority groups, victims of trafficking, etc.)?
- How do people access legal aid services?
- Based on lessons learned, are there any provinces where access to legal aid services is more or less challenging, and for what reasons? Which types of issues and cases are brought to the legal aid centres and by whom? How can access to legal aid services be further improved?
- How do clients provide feedback on legal aid services?
- How can the legal aid system be further improved in the coming years, including for vulnerable groups?

On this basis, the strategy should outline:

- What are the key outcomes, targets and milestone for the development of the legal aid system in the years ahead; what indicators will be used to monitor progress towards such targets; and how will the strategy be implemented and monitored?

III. SCOPE OF WORK

The successful applicant, under the supervision of the 3S-RoL project and UNDP, in close coordination with MOJ (JSP), and with support and guidance from the international consultant under this assignment, will be expected to be responsible for the following:

Task 1: (The Context) Desk review and mapping of legal aid landscape in Lao PDR

- Review of relevant legislation, policies, MOJ Strategy and relevant components of the NSEDP that relate to the provision of legal aid.
- Review of existing reports and communication materials from government and development partners on legal aid provision.
- Review of current international good practice on legal aid provision, including lessons learned and emerging trends in digitalization from the region.

Task 2: (The Practice) Collection of information from stakeholders, including relevant government agencies, civil society organisations, and development partners, on legal aid practices and initiatives in Lao PDR

- Interview(s) with JSP on current direction, including senior management, on legal aid provision and legal aid provision practices, coordination and capacity, including at national and sub-national level.
- Interviews with development partners on programming on provision of legal aid, including practices, forms of legal, lessons learned and future planning.
- Interviews with legal aid officers and centres on practices and experiences in the provision of legal aid.
- Interviews with users of legal aid services on experiences in accessing legal aid.

Task 3: (The Process) Facilitate the development of a draft strategy of max. 15 pages (excluding annexes and bibliography, including executive summary and infographics)

- Consolidate information collected under Task 2 above to develop draft outline of strategy for further discussion with JSP and partners.
- Facilitate in-depth discussions among key members of JSP in order to develop draft strategy, led by JSP and ensuring national ownership, which should include focus on, but not limited to): 1) forms of legal aid provided; 2) channels for the legal provided; 3) training for legal aid providers; 4) key targets, milestones and indicators (aligned with MOJ Strategy and NSEDP) (basic M&E framework); 5) workflows and processes; 6) operational and financial sustainability; 7) coordination and harmonization across national and sub-national level, and partners, and; 8) other areas as developed from Task 2 above.
- Ensure sign off on draft with JSP, and share with partners for feedback.

Task4: (The Report) Finalise report and present to Legal and Institutional Oversight Sub Sector Working Group (LIOSSWG), under the Governance Sector Working Group

- Following feedback from partners, facilitate further discussion among JSP team to finalize the draft strategy in both English and Lao, including graphics and design.
- Work with JSP to prepare for and possibly present strategy at consultation workshop (JSP may wish to present).

IV. DELIVERABLES & IMPLEMENTATION TIMELINE

No.	Deliverables	Estimated days to complete	Target due date

1	Inception brief outlining detailed steps and methodology. Data collection, research, and analysis, review of relevant documents work plan, for development of outline of the strategy	5	10/15/2021
2	Interviews with key stakeholders	15	11/11/2021
3	First draft of strategy for review by JSP and relevant stakeholders	10	12/1/2021
4	Final draft of strategy reviewed approved by UNDP and JSP in both Lao and English (max 25 pages including graphics and design)	7	12/15/2021
5	Presentation of key components of strategy on legal aid at LIOSSWG	3	12/22/2021

V. DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL

Estimated number of working days: 40 working days from 10/4/2021 to 12/24/2021.

Duty station: Vientiane, Lao PDR

Expected places of travel: possible travel to district level legal aid offices (TBC)

Travel costs will be covered separately by UNDP

VI. PROVISION OF MONITORING & PROGRESS CONTROL

The Consultant shall report to the Governance Team Lead and Programme Analyst on Rule of Law on the deliverables of their work regarding a work-plan, deadlines and verification activities.

VII. ADMINISTRATIVE SUPPORT & REFERENCE DOCUMENTS

Administrative Support

UNDP will provide support to the selected candidate to liaise and coordinate with relevant stakeholders and partners to be able to deliver on the expectations of this consultancy.

Reference Documents

- 9th NSEDP
- Decree on Legal Aid, MOJ
- MOJ Strategy
- Legal Sector Master Plan, MOJ
- UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

VIII. DEGREE OF EXPERTISE & QUALIFICATIONS

Qualifications	Masters degree (if not Master degree then a further 3 years working experience can be counted instead to be eligible) in the field of law, politics, international relations, public policy, or other relevant fields.
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Relevant Professional Experience	<ul style="list-style-type: none"> At least 5-7 years of experience in the field of law, legal projects, or development. Previous experience with a development partner or government is an advantage. Excellent research and writing skills required, as demonstrated by previous research/analytical reports on relevant topics. Experience of working on access to justice in Lao PDR.
Language Requirements	Strong command of Lao and English required (written and spoken), and an ability to summarise and present information clearly.

IX. PAYMENT TERMS

No.	Deliverables as indicated in Section IV	Due Date	Payment Amount
1	Deliverable 1	10/20/2021	20%
2	Deliverable 2	11/11/2021	40%
3	Deliverable 5	12/22/2021	40%

X. CONSULTANT PRESENCE REQUIRED ON DUTY STATION

NONE
 PARTIAL
 INTERMITTENT
 FULL-TIME

XI. EVALUATION CRITERIA.

Area	Description	Points
Technical		70
Education	Masters degree (if not Master degree then a further 3 years working experience can be counted instead to be eligible) in the field of law, politics, international relations, public policy, or other relevant fields.	20
Experience	<ul style="list-style-type: none"> At least 5-7 years of experience in the field of law, legal projects, or development. Previous experience with a development partner or government is an advantage. Excellent research and writing skills required, as demonstrated by previous research/analytical reports on relevant topics. Experience of working on access to justice in Lao PDR. 	40
Language	Strong command of Lao and English required (written and spoken), and an ability to summarise and present information clearly.	10

Financial proposal		30
Total	Enter requirement.	100

Criteria for Evaluation of Proposal

Offers will be evaluated according to the Combined Scoring method – where the educational background and experience on similar assignments will be weighted at 70% and the financial proposal will weigh at 30% of the total scoring.

The applicant receiving the Highest Combined Score and meeting other requirements in the Procurement Notice will be awarded the contract.

Requirements for submission of proposals:

All interested and qualified International or National Independent Consultant should apply on-line using the following links:

UNDP Lao PDR Country Office website at https://www.la.undp.org/content/lao_pdr/en/home/jobs.html or

In order to make your submission, please read the relevant documents available at the links below:

1. TOR (Annex I)
2. [IC General Terms and Conditions Annex II](#);
3. [OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY Annex III](#)
4. [P11 Form](#)

Documents to be included when submitting the proposals:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Technical Proposal
 - (i) Explaining why you are the most suitable for the work;
 - (ii) Providing a brief methodology on how you will approach and conduct the work including the work schedule for the delivery of outputs/deliverable;
2. [P11 Form](#) Education and work experience, including past experience in similar projects and contact references of at least 3 references for whom you have rendered preferably the similar services;
3. Financial proposal: Detailed financial proposal: Lump sum offer with clear cost breakdown against each deliverable. Please use this template [OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY Annex III](#)
4. 02 similar **sample reports**;

Instructions for on-line submissions:

Step 1: Please prepare all required documents electronically;

Step 2: Combine all documents in **ONE SINGLE FILE** (preferably in PDF however Word format can be also accepted) and upload to the UNDP Jobs using the links above;

Step 3: After that you will receive an auto reply from the UNDP jobs if your offer is received successfully.

Incomplete proposals or proposals received after the deadline will be rejected.

Note: Any request for clarification must be sent in writing before the submission deadline to the following emails:

surith.sengsavang@undp.org with copy to sean.oconnell@undp.org