* Terms of Reference

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| **TOR Title** | **Classifying court cases in Federal Iraq to identify systemic barriers to accessing social security benefits and entitlements** | | |
| **Country** | **Iraq** | **Project Code** | **IRQ/23/04/EUR (109419)** |

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| --- | --- | --- | --- | --- |
| **Duration** | From | Mid-April 2025 | to | Early-September 2025 |
| **Total duration** | **18 weeks** | | **60 working days** | |

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| **Type of consultancy:** | **National Legal Consultant** |
| **Deadline for submission** | **4 April 2025** |

1. Background

Social protection is a crucial policy tool for realizing human security and promoting equity and social justice for all. It plays a significant role in reducing poverty, managing lifecycle risks, enhancing productivity, supporting fair and inclusive economic growth, formalizing the informal economy, and facilitating the transition from public to private sector employment. These efforts collectively drive economic growth and create decent employment opportunities.

In Iraq, the commitment to establishing a comprehensive social protection system is evidenced by the ratification of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), through Law No. 3 of 2021, published in the Official Gazette. With this ratification, Iraq has a legal obligation to comply with the Convention's normative framework. Legislative reforms extending social security coverage to private-sector workers have become essential, especially given that effective social security coverage in Iraq remains limited.

For many years, the Law on Workers' Pension and Social Security No. 39 of 1971 (Law No. 39) served as a cornerstone of Iraq's legislative framework, establishing the provisions for social security and pension benefits for workers in the private sector. It laid down the foundations for private sector workers' entitlements to old-age pension, disability allowance and survivor’s benefits as well as compulsory contributions to the national social security fund from employers and workers. However, both legal and effective coverage of Law No. 39 has been limited.

In November 2023, Federal Iraq adopted the Law on Retirement and Social Security for Private Sector Workers No. 18 (Law No. 18) to better align its social security legislative framework with the ILO International Labour Standards. Law No. 18 represents a significant advancement in the country's social protection system. The new law significantly broadens social security coverage for private sector workers in Federal Iraq, extending its reach to include informal workers, the self-employed, and contributing family members. It also introduces additional entitlements, such as maternity, unemployment, and health insurance benefits, ensuring that a greater number of workers and their families receive comprehensive protection and support.

1. Assignment objective

In Federal Iraq, there is limited understanding of the systemic challenges that private sector workers face in accessing their social security benefits and enjoying their right to social security, including issues related to grievances. The ILO aims to build a strong evidence base on these challenges by studying social security cases that were not resolved through grievance and complaint systems and were later taken to court.

Thus, the objectives of this **quantitative classification exercise[[1]](#footnote-1)** is:

* To examine all social security cases from the Karkh and Russafa Labour Courts in Baghdad over the past three and half years (2022-mid 2025), develop a methodology to create complaint categories for classification, classify all cases based on this method and categories, and report on the number of cases in each category along with any additional analytical insights that may arise.

1. Scope of assignment and tasks

**Quantitative Classification Exercise**

**Objective**: Classify all social security cases and provide a detailed analysis of trends and insights.

* **Task 1**: *Data Collection and Review*
  + Coordinate with Karkh and Russafa Labour Courts to access all social security case files (for private sector workers) from 2022-mid 2025.
  + Review each case to gather essential information, such as complaint type, social security benefit/right disputed, outcomes, timelines, etc.
* **Task 2**: *Developing Classification Methodology*
  + Analyze the types of complaints in sample cases to identify recurring themes.
  + Establish a set of complaint categories (e.g., eligibility disputes, coverage disputes, benefit calculation and payment disputes, contribution disputes and administrative and procedural disputes, other)
  + Create a coding system for efficient tagging and classification of each case, including stakeholders (e.g. worker or beneficiary, employer or business representative, social security department, administrative and judicial bodies), neighbourhood or locality under each court, status of cases, occupational sector, gender and age, etc.
* **Task 3**: *Case Classification* 
  + Classify all cases based on the established categories, apply the categories defined under activity 1.2. to each case, use a coding system to tag each case by category for consistent classification. Some cases may involve multiple issues. In such instances, classify these as “mixed” and identify the primary and secondary issues.
* **Task 4**: *Quantitative Data Analysis*
  + Generate statistics on the number of cases:
    - **Count by Category**: Tally the number of cases in each category to identify the most common types of social security grievances.
    - **Temporal Trends**: Assess whether certain categories have seen changes over time (e.g., increase in benefit denial cases).
    - **Resolution Rates**: Examine the resolution rates within each category to determine where successful resolutions occur most and least often.
  + Draft a summary report with analytical observations, including case trends, processing times, and notable bottlenecks.

Each of the activities is expected to be conducted in close consultation with the ILO.

1. Deliverables, Duration and Payment Schedule

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| --- | --- | --- | --- | --- |
| **#** | **Deliverable** | **Working days** | **Tentative deadline** | **Payment** |
| **Deliverable 1** | **Inception report:** a concise report describing methodology for the assignment, information on the existing primary and secondary resources (social security legal cases, their number, accessibility, length, etc), stakeholders, timeline and workplan plan for implementation. The inception report should also document coordination arrangement with different stakeholders, including with Karkh and Russafa Labour Courts on accessing the legal database, and other relevant stakeholders. | 5 working days | 4 weeks after the contract start | 10% |
| **Deliverable 2** | **Data Collection and Review Report and Classification methodology:** a brief report summarizing details of accessed social security legal cases for 2022- mid-2025, including the number of cases, complaint types, disputed benefits/rights, timelines and outcomes (2022- mid-2025). Classification methodology should provide a detailed explanation of established complaint categories (e.g., eligibility disputes, coverage disputes, calculation and payment disputes, contribution disputes and administrative and procedural disputes) as well as coding system created for tagging and classification, ensuring consistency across cases. | 10 working days | 8 weeks after the contract start | 15% |
| **Deliverable 3** | **Case Classification Database:** Structured database or spreadsheet (Excel preferred) of all reviewed cases. Each case is tagged and classified by the established categories, with “mixed” cases marked and primary/secondary issues identified. | 35 working days | 14 weeks after the contract start | 50% |
| **Deliverable 4** | **Quantitative Analysis Report:** The quantitative analysis report should include a summary statistical analysis of the classified cases.   * Breakdown of cases by category, including counts and trends. * Analysis of temporal trends (e.g., changes in the frequency of certain complaint types over time). * Resolution rates within each category, highlighting areas with high/low resolution success.   Additional observations on case trends, processing times, frequency of specific cases in certain sectors/occupations/geographical areas, bottlenecks in the grievance process, etc. | 10 working days | 17 weeks after the contract start | 25% |
|  | | **60 working days** | **18 weeks** | **100% (4 payments)** |

Each deliverable is expected to be submitted for ILO approval before considered final. The ILO will review initial drafts before finalization and onward continuation with the exercise. The deliverables will also be reviewed and validated by relevant stakeholders, including the Departments of Social Security. It is expected that a national consultant will address and integrate comments and suggestions received from the ILO and other relevant stakeholders to the deliverables. All the deliverables are expected to be produced in English. Certain deliverables are also expected to be produced in Arabic, as specified above.

1. Qualifications, experience and requirements

The contract shall only be awarded to a qualified national legal consultant with the following skills and qualifications:

* Relevant qualifications in labour/social security or administrative law, social protection, social policy, or other related fields.
* A minimum of seven years of proven experience in the field of social security and/or labour law in Iraq, including but not limited to conducting legal analyses of social security cases, laws and regulations, providing consultancy and advisory services on social protection and labour law in Iraq, and/or representing workers in social security or labour litigations across various court instances.
* Extensive knowledge of social security legislation and policy framework in Iraq, with a strong understanding of the ILO’s approach to social protection, including ILO Convention on Social Security (Minimum Standards) No. 102 and ILO Social Protection Floor Recommendation No. 202.
* Excellent analytical skills, demonstrated through prior engagements in legal analyses and/or other pieces of quantitative and qualitative research.
* Proficiency in English, both written and oral, is required. An applicant must be a native Arabic speaker. Applicants lacking proficiency in Arabic and English will not be considered.
* Strong IT skills, including proficiency in statistical analysis, document drafting, and presentation software (e.g., Microsoft Word, Excel, PowerPoint, and other relevant software packages).
* Strong interpersonal skills, ability to establish strong relations with governmental institutions and other stakeholders, and effectively engage with them, attention to detail and strategic thinking.
* Prior cooperations with or strong working relations with the Ministry of Justice and/or the Supreme Judicial Council is an advantage.

It is expected that a successful candidate will be based in Iraq/Baghdad. ILO is not in the position to support visa application and travel to candidates located outside of Iraq. Applicants based outside of Baghdad will be responsible for their logistical arrangements to access courts, databases and national stakeholders based in Baghdad, as needed.

The successful candidate is expected to be able to establish strong relations with the Ministry of Justice and the Supreme Judicial Council to acquire access to the caseload.

1. Supervision and logistical arrangements

Throughout the assignment, the consultant will work under the direct supervision of the Chief Technical Advisor on Social Security, with a technical supervision of the Technical Officer on Social Protection and is close coordination with the National Project Officers based in ILO Office is Baghdad.

A national consultant is expected to be based in Baghdad to access courts, databases and national stakeholders, as needed. If not based in Baghdad, a national consultant will be responsible for their logistical arrangements to access courts, databases and national stakeholders based in Baghdad, as needed.

A national consultant is not expected to be based in the ILO premises, nor in the premisses of national stakeholders in Baghdad. A national consultant should arrange for their office/workspace, as applicable. A national consultant will not be provided with the ILO equipment (e.g. laptops) to perform the work, and should be in the possession of required equipment and tools.

1. Timeframe and estimated budget

The proposed duration of the assignment is 18 weeks, from inception to completion, with the intended start in mid-April 2025.

* The assignment is deliverable-based and will require 50 working days stretch across 18 weeks from mid-April to early September 2025;
* The budget will be based on the proposed daily fee for the selected consultant, plus any additional expenses (e.g. software licencing for caseload quantitative analyses) expected for the assignment.

1. Proposal submission procedure

The ILO invites technical and financial proposals from qualified consultants who have relevant experience in delivering similar services, as mentioned in this Terms of Reference (TOR). One national consultant technically responsive and financially viable will be chosen following ILO procurement rules/procedures on evaluation by an ILO team of professionals.

Technical Proposal

* The Consultant/ External Collaborator shall describe in the Technical Proposal how they intend to meet the requirements described in the Terms of Reference.
* Provide a maximum of three pages outlining the methodology and steps for completing the assignment.
* In preparing the proposal, the External Collaborator shall thoroughly review all requirements and demonstrate its understanding and approach to meeting these requirements within the proposal.
* In preparing the Technical Proposal, the consultant/Excol shall provide details of the proposed project methodology and implementation and management plan as well as their personal CV, indicating candidate’s qualifications and relevant experiences from similar assignments, the candidate’s contact details and at least three professional references.
* The External Collaborator may also add any other document(s) and information to demonstrate its technical and professional capacities and competencies to fulfil the requirements as specified in the Terms of Reference.

Technical Proposals must be submitted in English in PDF format.

Financial Proposal

* A financial proposal for conducting this assignment, based on a total of 60 working days.
* Daily fees excluding transportations and daily allowances.
* Financial proposal may also include additional costs that a consultant foresees in relation to this assignment, specifically a licence for a software that a consultant may use to review and classify the caseload.
* Local transportation within Baghdad will be the responsibility of the consultant.
* Transportation fees between cities directly associated with the requirements of this consultancy and daily subsistence allowances will be covered by the agreement as per UN regulations and standards when/if applicable.

The budget is expected to be prepared in the below format.

**Item 1. Daily fees**

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| --- | --- | --- | --- | --- |
| **Deliverables** | **Description** | **Wording days** | **Daily fee** | **Total** |
| 1 | Inception Report | 5 |  |  |
| 2 | Data Collection and Review Report and Classification methodology | 10 |  |  |
| 3 | Case Classification Database | 35 |  |  |
| 4 | Quantitative Analysis Report | 10 |  |  |
| **Total lump sum (daily fees) for 60 working days** | | | |  |

**Item 2. (optional). Additional expenses**

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| --- | --- | --- | --- |
| **Proposed additional product, event or activity** | **Proposed number** | **Lump sum per item** | **Total** |
| *Add additional proposed product, event or activity* |  |  |  |
| *Add additional proposed product, event or activity* |  |  |  |
| *Add additional proposed product, event or activity* |  |  |  |
| **Total** |  |  |  |

The financial proposal/daily rate can be submitted in US Dollar or Iraqi dinar[[2]](#footnote-2).

1. Selection and evaluation process and criteria

Proposals will be reviewed and evaluated by an Evaluation Panel, to determine compliance with the requirements specified in these Terms of Reference.

**A two-stage procedure** will be utilized in evaluating the Proposals, with evaluation of each Technical Proposal constituting 70 points being completed prior to any Financial Offer which constitute 30 points being opened and compared.

Each Technical Proposal (70 points) is evaluated on the basis of its responsiveness to these Terms of Reference according to the criteria described below. The minimum passing score is 50 points:

1. 30 points for understanding of the Terms of Reference and the aim of the services to be provided, clarity of the proposal, overall methodological approach, appropriateness of tools and estimated difficulties and challenges;
2. 20 points for feasibility of the implementation and management plan with a timeline related to the different activities;
3. 10 points for the relevance of consultant’s qualifications and experience.
4. 10 points for proven experience in similar consultancy assignments.

Please note that knowledge of Arabic language (mother tongue) and residence in Iraq is mandatory for this assignment. Applicants with no or limited knowledge of Arabic, and applicants residing outside of Iraq will not be considered. ILO is not in the position to support visa application and travel to candidates from outside of the country.

If multiple candidates achieve high scores, ILO might invite top three highest scored consultants for interviews to determine the final selection.

During the second stage of the evaluation, the Financial Proposals (30 points) of all qualified national consultants who have attained at least the minimum score during the technical evaluation (50 points) will be compared. The maximum number of points – 30 points – will be assigned to the lowest Financial Proposal submitted by applicants. All other Financial Proposals will receive points in inverse proportion.

The process of evaluating the proposals will be based on the percentage combination of Technical and Financial elements.

1. Application Process

Interested candidates with the required qualifications and experience should submit their Technical and Financial Proposals in English in line with the requirements specified above to[**iraq-procurement@ilo.org**](mailto:iraq-procurement@ilo.org) with the subject line **“National Legal Consultant - Classifying court cases”** no later than **6 April 2025**. Incomplete applications or applications not matching the requirements specified in these Terms of Reference will not be considered.

1. The total caseload is estimated at around 10,000 cases. However, only the cases on which the decisions were made and came into force will be considered for this exercise. The number of cases for review will also have to be clarified by consultant in the inception report, based on which a final agreement will be made with the ILO on the caseload for this exercise. [↑](#footnote-ref-1)
2. In March 2025, the UN exchange rate is 1 USD = 1,310 IQD [↑](#footnote-ref-2)