



Government of the Republic of the Philippines



European Union

**Governance in Justice Programme II (GOJUST II) Philippines
ACA/2020/ 418-821**

**TERMS OF REFERENCE
NON-KEY EXPERT (NKE) MISSION No. 3
Inception Phase
TITLE: Access to Justice Study**

Technical Assistance Team
GOJUST II Programme Office
One Global Place, Bonifacio Global City, Taguig, Metro Manila

Endorsement of finalised ToR:

For internal use only:

Endorsed by:

Means of endorsement:

Date:

1. BACKGROUND

The Government of the Republic of the Philippines with the support of the European Union is implementing the Justice Sector Reform Programme: Governance in Justice II (GOJUST II). GOJUST II is funded by the European Union to the value of EUR 19,000,000. GOJUST II builds on and continues the work of the predecessor programme, GOJUST that was implemented from April 2016 to September 2020. GOJUST II is implemented in joint co-financing with the Spanish Agency for International Development Cooperation (EUR 1,000,000). The overall objective of GOJUST is: *to contribute to inclusive and sustainable socio-economic development through improved access to justice for all in the Philippines. Specifically, it aims to develop more responsive and accountable justice services.* It includes two components focusing on justice and human rights, respectively. The programme is being implemented from December 2020 to June 2025.

GOJUST II seeks to achieve four major result areas, as follows:

- | | |
|----------|---|
| Result 1 | Justice sector coordination mechanisms are improved |
| Result 2 | Strengthened institutional efficiency and effectiveness in the delivery of justice services |
| Result 3 | Increased access to the justice system for vulnerable groups, including women |
| Result 4 | Justice policy and practice is informed by evidence and responds to justice needs |

Justice and Human Rights policies are at the heart of the Philippine Development Plan 2017-2022, which for the first time includes a dedicated chapter on justice, chapter 6, titled “Pursuing Swift and Fair Administration of Justice”. The chapter enshrines the principle of coordination as a mechanism for bringing about long term and sustainable justice sector reform. The focus is on the enhancement of “civil, criminal, commercial and administrative justice” and the improvement of sector efficiency and accountability while also directing the CHR “ to intensify its efforts to facilitate access to justice by improving, monitoring and evaluation, empowering the people living in poor and marginalised situations to seek response and remedies for injustice, improving legal protection, awareness and aid, enhancing civil society and parliamentary oversight, addressing human rights violations in the justice sector and, strengthening linkages between formal and informal justice providers.

The justice component will continue and expand some previous GOJUST activities such as improved coordination between and within the justice sector agencies and case management automation interventions to strengthen capacities to decongest overburdened courts, prosecution offices, and reducing pre-trial detention. GOJUST II will also focus on new result areas such as increased access to justice for vulnerable groups and evidence-based policy research and advocacy to inform policy making for improved justice outcomes.

The programme is managed by a Programme Steering Committee (PSC) headed by the Chief Justice of the Supreme Court, the Secretary of Interior and Local Government, and the Secretary of Justice and other designated representatives from the justice sector and stakeholders. During the inception period, the structure of the PSC shall be confirmed or amended as needed.

In line with the Direct Management component of the Financing Agreement, a Pillar-Assessed Contribution Agreement (ACA/2020/ 418-821) for the provision of *Technical*

Assistance for the Justice Sector Reform Programme: Governance in Justice II (GOJUST II) was awarded to the **British Council** on 7 December 2020 for a period of implementation of 54 months. The PACA contract requires the provision of a Technical Assistance Team consisting of four (4) key experts that will be responsible for the four (4) result areas (justice sector coordination, effective institutions of justice, access to justice by the disadvantaged groups and evidence-based policy research). In addition, the contract also includes the provision of 3,200 working days of non-key experts that will support the work of the key experts in the delivery of results under the programme.

During the inception phase, a justice needs survey will be conducted in order to map out the incidence of justice issues that the people face, their justice seeking behaviour, and the response of the community and formal institutions to the needs of the people. A copy of the final and approved TOR for this engagement is attached as Annex A.

This particular mission will be a companion piece to the justice needs survey, with the primary aim of conducting a qualitative survey on the justice needs of disadvantaged and poor sectors of Philippine society and deepen the analysis of the justice needs survey and its impact on the programme areas of GOJUST2.

2. DESCRIPTION OF THE ASSIGNMENT

2.1. Global objective

The over-all objective of this mission is to conduct an analytical study on access to justice in the Philippines. The study will examine the justice needs of the Filipinos in general¹ and in particular selected vulnerable groups², review their justice seeking behaviour, and provide recommendations addressed to justice sector institutions and civil society in general, and to the GOJUST II programme. The study will integrate the findings of the justice needs survey that GOJUST II has commissioned and the qualitative study that this mission will undertake.

2.2 Specific objective(s)

Specifically, the non-key experts are expected to achieve the following objectives:

- To conduct a selective and qualitative study on the justice needs of selected poor and disadvantaged sectors; and
- To integrate the findings of this qualitative study with the findings of the justice needs survey and make an in-depth analysis of the implications of these two pieces of work to the general notion of access to justice, and to the four result areas of GOJUST II.

2.3 Requested services, including suggested methodology

The scope of work of the consultants shall include the following:

¹ This study will incorporate the findings of the national justice needs survey, a copy of the terms of reference attached as Annex A. Hence, the use of the term “justice needs of Filipinos in general”.

² Vulnerable groups have been defined by EQAVET as “Groups that experience a higher risk of poverty and social exclusion than the general population. Ethnic minorities, migrants, disabled people, the homeless, those struggling with substance abuse, isolated elderly people and children all often face difficulties that can lead to further social exclusion, such as low levels of education and unemployment or underemployment.”

<https://www.eqavet.eu/eu-quality-assurance/glossary/vulnerable-group>. EQAVET is the European Quality Assurance for Vocational Education and Training.

1. A kick-off meeting and discussion with the technical assistance team on the scope of the assignment;
2. The conduct of a qualitative study for the poor and disadvantaged groups, that will map out their justice needs and their interaction with the formal and informal means for seeking redress. The qualitative study shall target the following groups: a) farmer organizations; b) rural women; c) indigenous people's organizations; d) persons with disabilities; e) urban poor communities and f) fisherfolk organizations, and shall employ focus group discussions (FGDs) and key informant interviews (KIIs) as the main tool for research;
3. The generation of a field work plan that will reach out to all these selected communities or groups, and the indicative time frame;
4. The consolidation of the findings from the FGDs and KIIs into a qualitative justice needs study with recommendations for the four result areas of GOJUST II;
5. An integrative and analytical report consolidating the justice needs survey and the qualitative justice needs study, and its implications to the four result areas of GOJUST II (hereinafter called the Access to Justice Study of the Philippines); and,
6. The presentation of the findings of the qualitative study and the integrative report to the TAT, and if needed, to the PSC.

Please see the methodological note below.³

2.4 Required outputs

The output of this engagement is the following:

1. An Inception Report that shall include the proposed methodology and a detailed workplan for the delivery of the assessment submitted to the TAT no later than 10 days after the commencement of the assignment.
2. A Mid Term Report on the Progress of the Qualitative study being undertaken by the Mission;
3. A Final Report that will include the following Annexes:
 - a. Findings and outcomes of the field research, incorporating therein the final workplan, the guide questions, the FGD and KII responses and a summary of the findings of the study; and
 - b. An analytical study on access to justice in the Philippines that will integrate findings of the justice needs survey and the qualitative study undertaken by this mission. The study should provide an in-depth analysis of the impact of

³ Considering that the rigor of the qualitative study would require field work and interaction with various groups that belong to a particular sector, the Technical Assistance Team (TAT) of the programme shall work with the consultants in the selection of the appropriate NGOs that could help in identifying the areas which can be reached during the pandemic, the organization of the FGDs and also the identification and organization of the KIIs of each particular sector.

Due to the restrictions of the pandemic, the FGDs are envisioned to involve no more than 10 participants, excluding the facilitators and the documenters, and the attending consultant in each event. The organization of each FGD and KII session shall be contained in a detailed workplan, to be jointly discussed by the consultants and the TAT, depending on which areas could be reached with relative ease during the pandemic.

A partner NGO (s) shall be responsible for identifying the local facilitator and documenter for each of the sessions, and the consultants shall be preparing the guide questions for each of the sessions, with the assistance of the TAT and the team leader.

such findings to access to justice issues and recommendations for implementation within the four result areas of GOJUST2.

3 EXPERTS PROFILE

3.1 Number of requested experts and number of days required per expert

The following type of expertise is required:

| Position | Designation | Type of Expertise | Duration (working days) |
|----------|-------------|-------------------------------------|-------------------------|
| 1 | Team Leader | Senior Law and Development Expert | 35 |
| 2 | Team Member | Senior Access to Justice Specialist | 34 |
| 3 | Team Member | Junior Access to Justice Specialist | 34 |

The level of effort for each of the team members shall be as follows:

| Activity | Level of Effort Per Position / Days | | |
|---|-------------------------------------|----|----|
| | 1 | 2 | 3 |
| Kick off meeting with the technical team on the objectives of the engagement | 1 | 1 | 1 |
| Provide inputs and comments to the scope of the questionnaire of the justice needs survey | 3 | | |
| Preparation of an inception report that will contain the methodology, field work plan, and the guide questions | 9 | 8 | 8 |
| Conduct pre-test of guide questions for the FGDs and the KIIs and its pre-test as appropriate | | 1 | 1 |
| Organization of the field work schedule, and finalizing the logistical, financial and administrative support for the field visits | 2 | 2 | 2 |
| Conduct of the field work, with the six basic sectors and specialised groups being divided between the two consultants | | 10 | 10 |
| Review documentation of FGDs and KIIs and draft field report | | 4 | 4 |
| Draft consolidated report on the qualitative study | 2 | 5 | 5 |
| Finalization of the qualitative study through an initial presentation to the TAT | 3 | 3 | 3 |
| Review of the findings of the justice needs survey and the qualitative study | 2 | | |
| Write up of the integrative report | 10 | | |
| Presentation of the integrative report to the TAT, discussion and finalization | 3 | | |

| | | | |
|-----------------------------|-----------|-----------|-----------|
| TOTAL NUMBER OF DAYS | 35 | 34 | 34 |
|-----------------------------|-----------|-----------|-----------|

The Team Leader shall provide over all strategic direction to the mission, and also the design of how the FGDs and the KIIs shall be conducted and integrated into the overall study. The team leader shall also be mainly responsible for the Access to Justice Study of the Philippines, linking the justice needs survey with the qualitative study. The team leader is also expected to provide some technical inputs on the designing of the justice need survey questionnaire, and ensure the right fit between the survey and this study.

The two other team members shall be principally responsible to conduct the qualitative justice needs study involving the basic sectors and specialized groups and the production of a final report based on these discussions. The two other team members are expected to conduct field visits and have oversight and control over the FGDs and the KIIs, which will be the bulk of the inputs to this study.

4. QUALIFICATIONS OF THE NON-KEY EXPERTS

All the experts should have the following common qualifications:

- Fluent in spoken and written English;
- Excellent analytical competence and interview skills;
- Active listening skills and strong writing skills;
- Sensitivity in communicating with vulnerable groups who may speak a different language and/or may belong to a different cultural identity or socio-economic status.

Qualifications of the Team Leader

Qualifications and Skills

- Advanced degree in Law, Public Administration, Political Science and other relevant degrees
- Formal training in access to justice, court administration, prosecution, justice sector reform and other relevant courses would be preferable
- Proven team leadership, team coordination and client liaison abilities.
- Analytical skills from a demand and supply side perspective on justice and their complementation to achieve greater access for disadvantaged groups

General Experience

- Minimum of 10 years of relevant professional experience, 3 of which in developing countries.
- Experience of having served in a governmental post, preferably at the policy level preferred
- Experience in the introduction of key policy reforms in any governmental agencies, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred
- Experience of having worked in a position of key responsibility in a non-governmental organization preferred

Specific Experience

- Experience in research in the field of access to justice and or justice sector reform

- Experience of having served in a governmental post, either in one of the justice sector agencies (Supreme Court, Department of Justice or Department of the Interior and Local Government) or in other government agencies that have a regulatory, or legal function preferred
- Experience in having served in a non-governmental organization that deals specifically with NGOs that provide legal services, legal empowerment programmes and access to justice programmes for disadvantaged groups preferred

Qualifications of the Senior Access to Justice Specialist

Qualifications and Skills

- Advanced degree in Law, Public Administration, Political Science, Social Science and other relevant degrees
- Formal training in access to justice, legal services for the poor, legal empowerment, community organizing and related fields would be preferable;
- Very good report writing and analytical skills
- Knowledge and communications skills in languages other than English and Filipino would be preferred

General Experience

- Minimum of five years of relevant professional experience
- Experience of having worked in a position of key responsibility in a non-governmental organization
- Experience in engaging with or organizing various community groups
- Experience in the conduct of field research methodologies, including focus group discussions and key informant interviews
- Experience in report writing and consolidation of information based on field work

Specific Experience

- Experience in having served in a non-governmental organization that provides legal services, legal empowerment programmes and access to justice programmes for disadvantaged groups
- Experience in the conduct of focus group discussions and key informant interviews in an access to justice setting, taking into account the needs of disadvantaged groups in the justice arena
- Extensive research experience on issues relating to access to justice and justice needs of disadvantaged and marginalized groups

Qualifications of the Junior Access to Justice Specialist

Qualifications and Skills

- Degree in Law, Public Administration, Political Science, Social Science and other relevant degrees
- Formal training in access to justice, legal services for the poor, legal empowerment, community organizing and related fields would be preferable;
- Sufficient report writing and analytical skills from field work data
- Knowledge and communications skills in languages other than English and Filipino would be preferred

General Experience

- Minimum of three years of relevant professional experience
- Experience of having worked in a non-governmental organization
- Experience in engaging with or organizing various community groups
- Experience in the conduct of field research methodologies, including focus group discussions and key informant interviews
- Experience in report writing and consolidation of information based on field work

Specific Experience

- Experience in having served in a non-governmental organization that provides legal services, legal empowerment programmes and access to justice programmes for disadvantaged groups
- Experience in the conduct of focus group discussions and key informant interviews in an access to justice setting, taking into account the needs of disadvantaged groups in the justice arena.
- Extensive research experience on issues relating to access to justice and justice needs of disadvantaged and marginalized groups

5. LOCATION AND DURATION

5.1 Starting Period

The estimated start date for this assignment is 1 March 2021

5.2 Foreseen finishing period or duration

The main mission period is six months from March to August 2021. The latest date for completion of the final Mission Report and annexes is to be completed not later than May 15, 2021.

5.3 Location(s) of assignment

All working days for the Team Leader are expected to take place in Metro Manila, or in such other location accessible by videoconferencing with the technical assistance team, and the two other team members.

Most of the work of the team members shall be done in the field, and adequate provisions for travel and meeting shall be organized with the assistance of the technical team, and the partner NGOs that shall provide assistance at the field level.

6. REPORTING

6.1 Content

The content of the reports required for this assignment are described in section 2.4 above.

6.2 Language

All reports and correspondence must be in English.

6.3 Submission / comments timing

All reports must be submitted to the Senior Adviser for Access to Justice electronically in the format provided at the start of the mission. Comments by the TAT and key stakeholders on the various reports, will be provided to the experts as soon as possible. Draft final reports must be submitted before the debriefing by the consultant to the TAT.

7. ADMINISTRATIVE INFORMATION

The main contact person for this mission shall be the following:

- a) Senior Adviser for Access to Justice (for technical matters) Hector Soliman, Mobile Number 0917 533 2692
- b) Programme Officer (for administrative matters) Tina Abella, Mobile Number 0917 708 2891

The list of persons to be visited, their contact numbers and location shall be agreed upon with the senior adviser during the first week of the consultant's engagement.

Costs for travel and accommodations for the non key experts, if necessary, and the costs for the conduct of the FGDs and the KIIs, including costs of venue, facilitators, documenters, transportation of participants as needed, and other related costs, shall be shouldered by the programme.