

Section II: Schedule of Requirements

eSourcing reference:

**TERMS OF REFERENCE FOR THE CONDUCT OF A JUSTICE NEEDS SURVEY
JUSTICE SECTOR REFORM PROGRAMME: GOVERNANCE IN JUSTICE II
January 2021**

Background of this TOR

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:

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| 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 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.

These particular terms of reference pertain to the conduct of a Justice Needs Survey, as part of the inception workplan and deliverables of GOJUST II. The survey will be the first of a kind in the history of Philippine justice sector reforms, and will lay the foundation for the understanding of justice needs from the point of view of the people, how they experience these kinds of justice problems, the pathways that are available to solve these problems, how they are eventually resolved and what still needs to be done to address unmet justice needs.

Concept of a Justice Needs Survey

“Although the definition is contested (Schetzer et al., 2002, p. 5),¹ **access to justice** is broadly concerned with the ability of people to obtain just resolution of justiciable problems and enforce their rights, in compliance with human rights standards (United Nations Development Programme, 2005, p. 5);² if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.³ In its “descriptive aspect”, access to justice “denotes the general subject of the extent to which citizens are able to gain access to the legal services necessary to protect and vindicate their legal rights” (Cornford, 2016, p. 28). In functional terms, this does not mean that use of legal services is necessary to ensure access to justice, only that appropriate services are available for those who are unable to achieve otherwise appropriate solutions to justiciable problems.”¹

Using this broad concept of access to justice, one can easily determine that access to justice views the problem from the perspective of the person who is seeking some form of justice or redress to a justice problem that s/he has experienced over a period of time. This perspective also includes the perception of the person on the effectiveness and efficiency of justice service provider (informal or formal institutions), and their ability to respond to the needs of the people. The perspective is completely different from the perspective of institutions (police, courts, prisons) on what the problems are; the perspective shifts to what is being experienced by ordinary people. The value of justice needs surveys is its bottom-up approach; putting people and their justice needs at the centre of the analysis.

The survey does not stop at the experience of people on their legal or justiciable problems. The survey looks further into the following key issues:

- Did they do anything about their felt problems? Why and why not?
- Who are the people they have approached, or officials, or institutions, in order to understand their justice problems? Did they get a sufficient understanding of their justice problems?
- Did they take further action other than understanding their issues, like filing a claim, seeking legal aid, filing cases in courts and so on, in order to vindicate their claim? Did this action resolve the issue? Why and why not?
- What are the significant obstacles to better understanding their justice problems, or the filing of claims to vindicate their issue?
- What is the cost of taking these actions, if any?

¹ Legal Needs Surveys and Access to Justice, OECD and Open Society Foundations, 2019, page 24. The entire document can be found in the following link: <https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-g2g9a36c-en.htm>

The Justice needs survey therefore, will start where the people are, what kinds of issues they face, and whether the environment in which they operate would allow them the redress of their rights and grievances. The Description of Action further elucidates: “This (evidence base for justice policy making) will initially be driven by the results from a Justice Needs Survey/Mapping on national and local justice priorities e.g., to inform the contours of the new Philippine National Development Plan (PDP). 2023-28 and drive public resource allocation. In addition, gender/social inclusion/vulnerability assessments/gap analysis, supporting both justice seekers and justice providers, will guide innovation in rights awareness, legal empowerment and justice service provision that build stronger and more inclusive communities.”²

As far as the GOJUST technical team could ascertain, this kind of in-depth study has not yet been undertaken in the Philippines. In the listing of the studies thus far undertaken, as polled by the OECD Guidance Note, the country is not listed among those that have conducted a justice needs survey. The World Justice Project (WJP) has conducted a global poll which includes the dispute resolution profile of the Philippines.³ It is interesting to note that in this study, the WJP has observed that out of the total number of persons who have experienced a legal problem, 89% did not do anything about it. Since this is a global poll, there is now a greater need to look into this profile more closely through a justice needs survey.

Overall and Specific Objectives of the Work

The overall objective of the assignment is to conduct a nationwide justice needs survey that will map the justice problems of the citizenry and describe the journey of seeking justice through various pathways available to them, in order to resolve such justice problems.

Specifically, the work shall achieve the following objectives:

- To design and conduct a Justice Needs Survey through research by applying mainly quantitative methodologies as well as to plan and undertake quality field data collection and data analysis.
- To produce a Justice Needs Survey Report with quantitative findings that provide nuanced insights into justice problems faced by ordinary people and how they are resolved by justice service providers.

The methodology to be deployed by the service contractor should be able to establish the following information, as a minimum:

- a) To make a profile of the various justice problems, issues and concerns that are experienced by people, and summarize them to acceptable categories;
- b) To portray the justice seeking behavior of people and determine whether they have done anything at all, in order to resolve their needs, and if so, what steps have been taken in order to resolve them. This would encompass both the formal and informal mechanisms for redress of grievances and claims;

² Description of Action, Justice Sector Reform Programme: Governance in Justice II, page 18. (The Description of Action is the basic conceptual document which frames the outcomes, outputs and activities of the programme.)

³ Global Insights on Dispute Resolution: Findings from the World Justice Project General Population Poll in 61 Countries: World Justice Project, Washington, D.C., 2019.

- c) To document the various people, or institutions which the people have sought legal advice and information from;
- d) To document whether people have filed a claim with a formal office or board or court,
- e) To document the various barriers to seeking legal advice or in legal claim making;
- f) To document the extent to which the legal needs are met or unmet, in order to portray the gaps in the justice seeking system; and
- g) To document the indicative costs of seeking legal information and redress of rights.

General Parameters of the Work

The justice needs survey will be a nationwide, randomized survey involving 3,900 survey respondents. The respondents will be adults of voting age group, and the units of analysis will be a national sample, six cities which comprise the current justice zones, and three provinces selected from Luzon, Visayas and Mindanao which comprise some of the poorest provinces in the country.

The purpose and objectives of the justice needs survey will be guided by the specific objectives enumerated above. The OECD guidance note on justice needs survey and access to justice, as referenced above, shall serve as a supplementary guide to the survey.

The sampling methodology shall be stratified in the following manner:

- a) A national survey which will select 300 respondents each from the following areas: National Capital Region, the balance of the areas in Luzon outside of NCR, Visayas and Mindanao, for a total of 1,200 respondents for this cohort;
- b) A random sample of 300 respondents for each of the justice zones (Quezon City, Angeles City, Naga City, Bacolod city, Cebu City and Davao City) for a total of 1,800 respondents and
- c) A random sample of 300 each from three selected poor provinces in Luzon, Visayas and Mindanao (Camarines Norte, Eastern Samar and Lanao del Sur) ⁴

for a grand total of 3,900 respondents nationwide. The final report should be able to provide information at the national level, at the level of the justice zones which are all located in urbanized areas, and in the three poorest provinces, which is mostly rural in composition. The survey should be able to compare the results of these three units of analysis.

The national survey will be complemented by a separate but interconnected work, which is a qualitative survey of the legal needs of disadvantaged sectors of Philippine society (subject of a separate terms of reference).

Detailed Scope of Work to be undertaken by the Contractor

The service contractor for this bid is expected to undertake the following activities:

⁴ Based on **Table 9. Updated Clustering of Provinces based on 2018 Full Year Poverty Incidence among Families, by Province: 2015 and 2018** as found in the website of the Philippine Statistics Authority, <https://psa.gov.ph/content/updated-2015-and-2018-full-year-official-poverty-statistics>

- a) A kick off meeting with the GOJUST team (technical team and UNOPS project manager) in order to have a common understanding on how the work will proceed programme wise and also on the administrative side (reports, payments, billing and invoices)
- b) The drafting and finalization of the survey questionnaire, and its translation to the local language where the questionnaire will be administered. This phase would include the conduct of focus group discussions to inform and refine the questionnaire, and a pretesting of the same in a selected locality. The survey questionnaire shall be approved by the GOJUST II Team.
- c) The submission of a field work plan, that will contain details on the administration of the questionnaire and how the data will be collated and consolidated at the national level;
- d) The presentation of the initial findings of the survey to the GOJUST team, with the opportunity for comments and revisions, and the presentation of the findings to a validation workshop involving the key stakeholders, prior to finalization of the report; and
- e) The submission of the final report and acceptance by the Team Leader

The deliverables of this contract shall be the following:

- a) An Inception Report (10 working days from the signing of the contract) which will reiterate the major assumptions and deliverables of the work, and also variations or amendments to the terms of reference based on prior discussions with the GOJUST team, and the exigencies of the situation may require;
- b) Mid Term Reports halfway through the undertaking to include the approved questionnaire, field workplan and initial dataset;
- c) A Final Report which shall contain a summary of all major work undertaken and the final results of the survey to include information in line with the objectives of the survey. The final report shall include final clean dataset in SPSS and Stata format and where applicable, the filled questionnaires and transcripts, for purposes of future data management.

Qualifications of the Contractor

The bidders shall be sourced from Consultant firms in continuous business of supplying similar services, Private social science research organizations, Universities with social science or research institutions or offices, Private NGOs that do social science research and other similar institutions. Research in the field of governance, or justice sector reforms, or justice / legal reforms in general shall be preferred and shall be considered in the weighted scoring explained below. The bidder should have a minimum of five years of work experience in the field of social science research and surveys in the Philippines.

Interested International bidders shall partner with local firms and in such joint venture arrangements, at least one of the consortium members must meet the minimum technical requirements.

Personnel Profiles

Please provide the CVs of the team leader and key members. The minimum skills and experience required are as follows:

Team Leader:

- Minimum 10 years of social research experience.
- Graduate degree in a relevant area.

- Experienced in designing research using both quantitative and qualitative methods on governance, rule of law, alternative dispute resolution and access to justice, or similar field, in the Philippines.
- Experienced in developing and managing quality assurance systems.
- Strong analytical and report writing skills.

Team Member-Field Coordinator

- Minimum 5 years of social research experience.
- Graduate degree in a relevant area.
- Experienced in conducting research across different Districts/Provinces in Philippines.
- Experienced in managing field operation for the research including recruitment, training, dealing with local authorities and quality control.

Team Member-Quantitative Analysis

- Minimum 5 years of experience of conducting quantitative analysis for social research.
- Experienced in quantitative analysis for research on governance, alternative dispute resolution and access to justice, or similar field, in the Philippines.
- Graduate degree in a relevant area.

The service contractor may nominate other persons with such other qualifications which they believe would be suitable in contributing to the accomplishment of the objectives of the survey.

Two envelope system and Weighted Scoring

Proposals for this bid shall be governed by the rules on the two-envelope system (Technical and financial). The weighted score for the evaluation of the bids shall be as follows:

Weighted Criteria	Weights within the Criteria	Points
Technical Criteria (70%)	Organizational Experience The organization has experience providing similar services in terms of project content, complexity and size as per requirements defined in the terms of reference.	20
	Qualifications of Key Personnel Proposed key personnel is meeting or exceeds the minimum expertise required.	10
	Experience of Key Personnel Proposed key personnel is meeting or exceeds the minimum experience required.	10
	Governance and Oversight Governance and oversight structure, both at the organizational level and at the level of the survey team (key personnel and the field personnel and enumerators) ensures the timeliness and the quality of the services required.	5
	Methodology The organization has demonstrated an approach, methodology and tools in order to meet or exceed the expected outputs and deliverables and also show an understanding of the requested services.	20
	Sustainability considerations The bidder should provide a clear statement and/or supporting documentation that outlines how gender is mainstreamed internally or in the technical proposal.	5
Financial Criteria (30%)		30
TOTAL		100

Terms of Payment for the winning bidder

Upon submission of the Inception Report, 30%

Upon approval of the Survey Questionnaire and Field Work plan , 30%

Upon submission of the initial dataset based on completed field survey, 20%

Upon submission and acceptance of the final report and data sets, 20%