

TERMS OF REFERENCE

Provision of Service to Conduct "Impact of COVID-19 on Access to Justice for Women and Marginalized Groups" Assessment in Indonesia

I. Background

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace, and security.

Since the outbreak of the COVID-19 pandemic, countries around the world have been facing an extraordinary challenge wherein a health-related crisis has evolved simultaneously into a socio-economic crisis. The impacts of crises are never gender-neutral, and the COVID-19 pandemic is no exception. Across every sphere, from health to the economy, security to social protection, human rights to justice, the impacts of COVID-19 are exacerbated for women and girls simply by virtue of their gender.

Indonesia is experiencing the highest-burden from COVID-19 in South East Asia. According to the Global Health 50/50 COVID-19 tracker, the first confirmed cases were detected in the country in early March 2020, and within a month, cases were identified in all 34 provinces. On April 13, 2020, the Government of Indonesia declared COVID-19 as a national nonnatural disaster, followed by social distancing requirements, mobility restrictions, and lockdowns, limiting non-essential and non-critical activities. Indonesia's COVID-19 Task Force, as well as the Ministry of Religious Affairs, Ministry of Finance, Ministry of Home Affairs, among others, continue to update their circulars as the COVID-19 pandemic evolves relevantly.

As with other countries, the COVID-19 pandemic in Indonesia has diminished social services, economic activities, and income, exacerbating existing vulnerabilities and marginalization. A UN Women Impact Assessment found that the COVID-19 pandemic has exposed women's vulnerability to shocks in the labor market, particularly informal workers, and disproportionately increased their unpaid care and domestic workload. Furthermore, lockdowns have put women's safety in jeopardy, particularly those married, low income, and aged 31 to 40 years. In addition to intimate partner and family violence, reports of violence include psychological and economic violence.

Women's lack of access to justice has been compounded under the COVID-19 pandemic. In particular, women from marginalized communities, including women from religious minorities, women heading households, women with disabilities, women in the informal economy, landless women, migrant workers, and returnee migrant workers, women whose work is relegated to the margins and often invisible such as sex workers, women without legal identity documents, women living with HIV/AIDS, women deprived of liberty/women in conflict with the law, and LGBTQI+ persons, face additional obstacles to accessing justice and seeking redress for violations of their human rights. This is due to the intersecting forms of discrimination women from marginalized communities face.

The COVID-19 pandemic has highlighted the breadth of the justice gap and the distinct justice needs of women, particularly those from marginalized community organizations facing intersecting forms of discrimination. If the world is to build back better, the justice gap must be closed for those furthest behind and rendered most vulnerable by the pandemic. Considering these emerging challenges brought about by the COVID-19 pandemic, it is essential to map the key challenges and opportunities in access to justice for women

and marginalized groups. Identifying such gaps and a way forward would be crucial for understanding the current situation and informing future interventions and policies on access to justice that is responsive to the needs of women and marginalized groups. This impact assessment would contribute to the delivery of targets set out for SDG goals 5 and 16 that aim to provide justice for all.

In connection to the above, it is essential to support justice service providers and civil society partners to assess the impacts of the COVID-19 pandemic for the advancement of intersectional and gender-responsive justice for women and marginalized communities in Indonesia. The assessment will also serve to take stock of the digitization process that took place during the pandemic in the justice sector. UN Women thus seeks a Service Provider to conduct independent research on the impact of COVID-19 on access to justice of women and marginalized communities and the digitalization of justice during the pandemic in Indonesia.

II. Objectives of the Assignment

The overall objective of this assignment is to assess the impact of COVID-19 on access to justice for women and marginalized communities in Indonesia. The assessment's findings and recommendations aim to support the ongoing efforts of the Government of Indonesia, civil society, and key relevant stakeholders in Indonesia to advance a gender-responsive of the justice sector in the context of alleviating the impact of COVID-19. Moreover, this consultancy will assess the digitization of justice during COVID-19 and its implications for women and marginalized communities. The research findings and recommendations are expected to include challenges and opportunities presented by the Pandemic and how e-justice will enhance intersectional and gender-responsive justice in Indonesia for women and marginalized communities. Furthermore, these consultations will contribute to the Asia-Pacific regional Access to Justice engagements supporting gender-responsive COVID-19 recovery that enhances women's access to justice, assesses trends in women's access to justice, and support Indonesia to build back better.

III. Scope of Work

Under the overall supervision of the UN Women WPS Analyst/A2J Focal Point and A2J Regional Program Coordinator, the Service Provider will be working closely with government and non-government stakeholders from the justice sector to achieve the following tasks:

- 1. Assessment of the impact of the COVID-19 pandemic on access to justice for women and marginalized groups and map relevant initiatives taken to address emerging challenges.**
- 2. Mapping the status of e-justice/digitalization in the justice sector from the perspective of women and marginalized groups in the context of the COVID-19 pandemic**

The selected Service Provider will conduct this research and focus on the following activities:

- Develop a work plan, including timelines, survey tools, and a research methodology, in consultation with UN Women,
- Desk review of the current assessments conducted by both governmental and non-governmental stakeholders, including new policies and practices in providing justice for women and marginalized communities in the context of COVID-19.
- Conduct survey, Focus Group Discussion (FGD), and Key Informant Interviews (face-to-face and/or virtually as appropriate) to gather information on the impact of COVID-19 and identify emerging

trends, challenges, and opportunities to promote women's and marginalized community's access to justice in Indonesia to answer the question below and more:

- What are the key justice problems women and marginalized groups are facing in the COVID-19 context? And What are some of the key challenges faced by justice actors/institutions in delivering justice/justice-related services, particularly for women and marginalized groups, in the COVID-19 context?
- What are key legislations/policies that must be reformed to enable access to justice for women and marginalized groups, particularly in light of the COVID-19 pandemic?
- What are the key areas, challenges, opportunities, and lessons learned of digitalization and the use to technology to provide justice to women and marginalized communities in general and the COVID-19 context specifically, in Indonesia?
- What and who at the relevant stakeholders and policies/laws that enable the digitalization of justice and what are the impacts they have had on access to justice for women and marginalized communities? *
- Provide critical recommendations on strategic entry points to advance and scale up intersectional and gender-responsive access to justice for women and marginalized communities, linking policy framework and implementation at the national level with the implication at the local level.
- Conduct a meeting (online/offline as appropriate) to engage relevant Justice stakeholders to validate the research findings.
- Provide technical support to launch research papers, including preparing the presentation of crucial results in meetings and materials for the launching event.

IV. Expected Outputs / Deliverables

Based on the above Tasks, the selected Service Provider is expected to develop/ prepare, and deliver the following:

Deliverables	Focus Areas of Analysis and Key Content	Target Date	Percent of Payment
Deliverable 1 Inception Report	Overall research and time plan for the production of the study, including preliminary analysis from the literature review and proposed methodology to be adapted as suitable for the specific context of Indonesia. The detailed work plan will also include the report's structure and possible risks that may arise while carrying out the tasks and mitigation measures. The specific methodologies must be clarified for the two main parts of the research: <ol style="list-style-type: none"> 1. Assessment of the impact of COVID-19 pandemic on access to justice for women and marginalized groups and map relevant initiatives taken to address emerging challenges; and 2. Mapping the status of e-justice/digitalization in the justice sector from the perspective of women and marginalized groups in the context of the COVID-19 pandemic 	May 9, 2022	20%
Deliverable 2 Annotated outline of the research paper (related to both Part/Task 1 and 2)	Annotated outline of the research paper comprised of key sections: (i) desk review of relevant documents, policy and legislative framework; (ii) situation analysis of COVID-19 on the justice sector, (iii) the impact of digitalization of justice sector looking at the digital gender divide, and (iv) key recommendations on strategic entry points support intersectional and gender-responsive recovery	May 20, 2022	30%

	of the justice sector. (Sperate for task 1 and task 2) - for review and feedback by UN Women		
Deliverable 3 First draft policy research	<p>First draft research that consolidate preliminary results, findings, and recommendations for both task of this assessment, as well as challenges and opportunities of digitization during COVID-19 has presented for both strengthen justice provision.</p> <ul style="list-style-type: none"> - Task 1: A 20 page (approx.) long, well, edited final report that is publication-ready on the assessment of the impact of COVID-19 on access to justice for women and marginalized groups along with recommendations for specific stakeholders. (In English) - Task 2: A 20-page long (approx.) well-edited publication-ready final report on the status of digitalization/e-justice from the perspective of women and marginalized groups (in English) 	June 20, 2022	30%
Deliverable 4 4.1 Final policy research 4.2 Policy brief	<p>Final policy research incorporating all the feedback and comments from UN Women.</p> <p>Based on the finding of the policy research, a policy brief of will summarize key issues/concerns, policy, and recommendations to straightening the recovery of the access to justice for women and marginalized communities.</p> <ul style="list-style-type: none"> - A 7 page long (approx.) well-edited publication-ready policy brief with infographics. (In English and Bahasa Indonesian) - A 7 page long (approx.) well-edited publication-ready policy brief with infographics related to e-justice. (In English and Indonesian) 	August 20, 2022	10%
Deliverable 5 One virtual event with key stakeholders to disseminate the mapping reports.	<p>This includes preparation of the presentation and materials for launch event, as well as writing up of a summary report to document outcomes of the launching event including key feedback and recommendations</p> <p>Summary transcription of Stakeholder meetings and KII interview transcripts</p> <p>Dissemination plan for final reports and policy brief developed</p>	Sep 20, 2022	10%

Note: Some of the deliverable timelines might change depending on the overall strategic work plan presented as the first deliverable.

All the deliverables, including annexes, notes, and reports, should be submitted in writing in English. Upon receipt of the deliverables and prior to the first installment payment, the deliverables and related reports and documents will be reviewed and approved by UN Women. The period of review is one week after receipt.

V. Time Frame and Location

Tentatively throughout **April 2022 to September 2022**, the project location is in Indonesia.

VI. Qualifications of the Service Provider

The **Service Provider** hired must fulfill the following requirements:

- Officially registered legal entity with a valid registration;

- Minimum five (5) years of working experience on gender equality and women's empowerment, preferably on advocacy initiatives that have strong access to justice;
- Demonstrated organizational experience and expertise in access justice for women and marginalized groups through programmatic interventions, research/assessment, and policy advocacy.
- Sound experience in producing research/assessment-based reports and policy briefs in the areas of access to justice/gender equality and women empowerment.
- Experience in designing and implementing A2J/GEWE interventions, research, and policy advocacy in the context of the COVID-19 pandemic is desirable and will be considered an advantage;
- Strong organizational experience in building strategic partnerships with key stakeholders of justice/gender equality and networks with relevant partners, including women-led organizations, CSOs, government agencies, and justice sector;
- Proven capacity to convene consultations and dialogue and interviews with diverse stakeholders of justice;
- Sound knowledge of the legal framework, policies, and interventions on justice, particularly for women and marginalized groups in Indonesia.

Composition of the team:

The team composition is expected to include at least but not limited to the following core members:

- 1) 1 Team leader with expertise on gender equality and law/justice issues (100%);
- 2) 2 Research and coordination experts (50%) (with expertise in carrying out research/assessment on gender equality and law/justice issues)
- 3) 1 Finance and Admin Officer (30%).

The **Team Leader** should have the following qualifications:

- Master's degree (or equivalent) in International Development Studies, Social Sciences, Politics, Law, Human Rights, Gender, Women Studies, Economics or related field.
- Minimum of 5 years relevant experience in the area of access to justice, human rights, and law.
- Substantive experience in conducting research, review assessment, and evaluation, especially those related to the justice sector.
- Proficient in English.

The Team Leader will be assessed on the following:

- Knowledge of the Southeast Asia region
- Technical expertise on access to justice and law
- International Working Experience with a focus on Southeast Asia is desirable
- Professional Experience in the area of specialization as required by the ToR
- Language Qualifications

The team composition should also include additional team member(s). The team member(s) should have the following qualifications:

- Minimum Bachelor's degree
- Minimum 3-5 years of relevant experience in gender, justice, and law.
- Strong experience working in academia, NGOs, and/or research institution
- Proven experience in undertaking similar projects is preferred, especially projects that are gender-sensitive or focus on women's empowerment
- Strong English Writing Skills

Team members will be assessed on the following:

- General qualification
- Technical expertise on gender, justice, and law
- Working Experience in the Indonesian justice sector, with a focus on access to justice
- Professional Experience in the area of specialization as required by the ToR
- Language Qualifications

VII. Role and Responsibilities

Under the overall technical guidance of UN Women, the Service Provider is expected to perform the following roles and responsibilities:

- Performing and delivering the tasks required in the TOR, including leading and conducting the assessment and scoping study;
- Coordinating with key stakeholders and key relevant partners for consultations, FGD, and key informant interviews; and
- Provide a presentation based on the assessment results to relevant stakeholders based on the list developed for dissemination.

VIII. Submission of Application

- Expression of interest;
- Organization registration;
- Updated CVs for the Team Leader and Team Members;
- Organization profile;
- The Technical Proposal;
- The Financial Proposal shall specify a lump sum amount breaking down the professional fee for each deliverable. Management fee (if any), tax, travel costs for technical team members, and indirect costs such as printing, designing, stationery, and communications (i.e., internet quota) in relation to the Scope of work of services must be included in each deliverable. If there is any meeting or training, the logistics, such as the fee for the resource person moderator, must also be included in each deliverable;
- 3 Reference Checks; and
- Sample of similar work previously undertaken.

EVALUATION CRITERIA

Preliminary Examination Criteria

All criteria will be evaluated on a Pass/Fail basis and checked during Preliminary Examination

Criteria	Documents to establish compliance
Completeness of the Proposal	All documents and technical documentation requested in Instructions to the organisation have been provided and are complete
The organisation accepts UN Women General Conditions of Contract	Proposal Submission Form (Online Form)
Proposal Validity	Proposal Submission Form (Online Form)
Legal Capacity	Bidders may be a private, public or government-owned legal entity or any association with legal capacity to enter into a binding Contract with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
Conflict of Interest	<p>Bidders must disclose any actual or potential conflict of interest and they shall be deemed ineligible for this procurement process unless such conflict of interest is resolved in a manner acceptable to UN Women. Conflict of interest is present when:</p> <ul style="list-style-type: none"> - A Bidder has a close business or family relationship with a UN Women personnel who: (i) are directly or indirectly involved in the preparation of the bidding documents or specifications of the contract, and/or the bid evaluation process of such contract; or (ii) would be involved in the implementation or supervision of such contract; - A Bidder is associated, or has been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by UN Women to provide consulting services for the preparation of the design, specifications, Terms of Reference, and other documents to be used for the procurement of the goods, services or works required in the present procurement process; - A Bidder has an interest in other bidders, including when they have common ownership and/or management. Bidders shall not submit more than one bid, except for alternative offers, if permitted. This will result in the disqualification of all bids in which the Bidder is involved. This includes situations where a firm is a Bidder in one bid and a sub-contractor on another; however, this does not limit the inclusion of a firm as a sub-contractor in more than one bid. <p>Failure to disclose any actual or potential conflict of interest may lead to the Bidder being sanctioned further by UN Women.</p>

Minimum Eligibility and Qualification Criteria

Minimum eligibility and qualification criteria will be evaluated on a Pass/Fail basis.

If the Proposal is submitted as a Joint Venture, Consortium or Association, each member should meet the minimum criteria, unless otherwise specified.

Eligibility Criteria	Documents to establish compliance
The organisation is a legally registered commercial entity ¹	Proposer Information Form (Online Form)
The organisation is not suspended, nor otherwise identified as ineligible by any UN Organization, the World Bank Group or any other International Organisation in accordance with Instructions to the Vendors	Proposal Submission Form (Online Form)
No conflicts of interest in accordance with Instructions to the organisation.	Proposal Submission Form (Online Form)
The organisation has not declared bankruptcy, is not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the organisation that could impair its operations in the foreseeable future	Proposal Submission Form (Online Form)

Qualification Criteria	Documents to establish compliance
Litigation History: No consistent history of court/arbitral award decisions against the organisation for the last 5 years.	Eligibility and Qualification Form (Online Form)
Previous Experience of the organization:	
Minimum 5 years of relevant experience.	Eligibility and Qualification Form (Online Form) / Technical Proposal
Minimum three contracts of similar value, nature and complexity implemented over the last 3 years	Eligibility and Qualification Form (Online Form)

Code of Conduct: All Bidders are expected to embrace the principles of the [United Nations Supplier Code of Conduct](#), reflecting the core values of the Charter of the United Nations. UN Women also expects all its suppliers to adhere to the principles of the [United Nations Global Compact](#) and recommends signing up to the [Women's Empowerment Principles](#).

¹ Legally registered commercial entity – entity with legal status as a firm(s) with a valid registration to enter into a binding commercial contract with UN Women.

Technical Evaluation Criteria

A proposal is selected based on *cumulative analysis* where the total score is obtained upon a combination of the weighted technical and financial attributes.

A two-stage procedure will be utilized in evaluating the proposals; the technical proposal will be evaluated with a minimum pass requirement of [70%] of the obtainable [700] points assigned for the technical proposal. A proposal shall be rejected at this stage if it fails to achieve the minimum technical threshold of [70%] of the obtainable score of [700] points prior to any price proposal being opened and compared. The financial proposal will be opened only for those entities whose technical proposal achieved the minimum technical threshold of [70%] of the obtainable score of [700] points and are determined to be compliant. Non-compliant proposals will not be eligible for further consideration.

The total number of points that a firm/institution may obtain for its proposal is as follows:

Technical proposal: [700 points]

Financial proposal: [300 points]

Total number of points: [1000 points]

Evaluation of financial proposal:

In this methodology, the maximum number of points assigned to the financial proposal is allocated to the lowest-priced proposal. All other price proposals receive points in inverse proportion.

The formula is as follows:

$$p = y (\mu/z)$$

Where:

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

μ = price of the lowest-priced proposal

z = price of the proposal being evaluated

The contract shall be awarded to the proposal obtaining the overall highest score after adding the score of the technical proposal and the financial proposal.

Evaluation of technical proposal:

An Evaluation Committee will be constituted by the MNRE UN Women to evaluate the proposals. The technical proposal is evaluated and examined to determine its responsiveness and compliance with the requirements specified in this solicitation documents. The quality of each technical proposal will be evaluated in accordance with the following technical evaluation criteria and the associated weighting (total possible value of [700] points):

Section 1. The organisation's qualification, capacity and experience		Points	
1.1	General Organizational Capability Offeror shall:	25	
	a) Outline General Organizational Capability which is likely to affect implementation (i.e. management structure, financial stability (including annual turnover for the last three years) and project financing capacity, size of the organization, strength of project management support e.g. project management controls, global networking, financial stability).		15
	b) Explain whether any work would be subcontracted, to whom, how much percentage of the work, the rationale for such, and the roles of the proposed sub-contractors. Special attention should be given to providing a clear picture of the role of roles, responsibilities, reporting lines and accountability.		10

1.2	<p><u>Relevance of specialized knowledge and experience on similar engagements done in the region/country</u></p> <p>The offeror shall demonstrate relevant knowledge and experience:</p> <ul style="list-style-type: none"> • Officially registered legal entity with a valid registration; • Minimum five (5) years of working experience on gender equality and women's empowerment, preferably on advocacy initiatives that have strong access to justice; • Demonstrable organizational experience and expertise in the area of access justice for women and marginalized groups through programmatic interventions, research/assessment, and policy advocacy. • Sound experience in producing research/assessment-based reports and policy briefs in the areas of access to justice/gender equality and women empowerment. • Experience in designing and implementing A2J/GEWE interventions, research, and policy advocacy in the context of the COVID-19 pandemic is desirable and will be considered an advantage; • Strong organizational experience in building strategic partnerships with key stakeholders of justice/gender equality and networks with relevant partners, including women-led organizations, CSOs, government agencies, and justice sector; • Proven capacity to convene consultations and dialogue and interviews with diverse stakeholders of justice; • Sound knowledge of the legal framework, policies, and interventions on justice, particularly for women and marginalized groups in Indonesia. 	100						
1.3	<p><u>Quality assurance procedures, risk and mitigation measures</u></p> <p>Offeror shall describe the potential risks for the performance of the Terms of Reference that may impact achievement and timely completion of expected results as well as their quality. Describe measures that will be put in place to mitigate these risks and ensure quality assurance. Provide certificate (s) for accreditation of processes, policy e.g. ISO etc.</p>	25						
Total Points for Section 1		150						
Section 2. Proposed methodology approach and implementation plan		Points						
2.1	<p><u>Analysis Approach, Methodology</u></p> <p>Offeror shall:</p> <table border="1" data-bbox="263 1283 1192 1518"> <tr> <td data-bbox="263 1283 1192 1352">a) Provide in sufficient detail a description of the organization's approach and methodology for meeting or exceeding the requirements of the Terms of Reference;</td> <td data-bbox="1198 1283 1289 1352">150</td> </tr> <tr> <td data-bbox="263 1360 1192 1451">b) Explain the organization's understanding of UN Women's needs for the goods/services/works and how the different service elements shall be organized, controlled and delivered;</td> <td data-bbox="1198 1360 1289 1451">100</td> </tr> <tr> <td data-bbox="263 1459 1192 1518">c) Describe the available performance monitoring and evaluation mechanisms and tools and how they shall be adopted and used for a specific requirement;</td> <td data-bbox="1198 1459 1289 1518">100</td> </tr> </table>	a) Provide in sufficient detail a description of the organization's approach and methodology for meeting or exceeding the requirements of the Terms of Reference;	150	b) Explain the organization's understanding of UN Women's needs for the goods/services/works and how the different service elements shall be organized, controlled and delivered;	100	c) Describe the available performance monitoring and evaluation mechanisms and tools and how they shall be adopted and used for a specific requirement;	100	350
a) Provide in sufficient detail a description of the organization's approach and methodology for meeting or exceeding the requirements of the Terms of Reference;	150							
b) Explain the organization's understanding of UN Women's needs for the goods/services/works and how the different service elements shall be organized, controlled and delivered;	100							
c) Describe the available performance monitoring and evaluation mechanisms and tools and how they shall be adopted and used for a specific requirement;	100							
2.2	<p><u>Management - timeline, deliverables and reporting</u></p> <p>Offeror shall provide a detailed description of how the management for the requested goods/services/works will be implemented to achieve the requirements of the Terms of Reference. The activities in the implementation plan should be properly sequenced, logical and realistic.</p>	100						
Total Points for Section 2		450						
Section 3. Management Structure and Key Personnel		Points						
	<p><u>Composition of the team</u></p> <p>Composition of the team proposed to provide, and the work tasks (including supervisory)</p> <p>The Team Leader should have the following qualifications:</p>	80						

	<ul style="list-style-type: none"> • Master's degree (or equivalent) in International Development Studies, Social Sciences, Politics, Law, Human Rights, Gender, Women Studies, Economics or related field. • Minimum of 5 years relevant experience in the area of access to justice, human rights, and law. • Substantive experience in conducting research, review assessment, and or evaluation, especially those related to the justice sector. • Proficient in English. <p>The Team Leader will be assessed on the following:</p> <ul style="list-style-type: none"> • Knowledge of the Southeast Asia region • Technical expertise on access to justice and law • International Working Experience with a focus on Southeast Asia is desirable • Professional Experience in the area of specialization as required by the ToR • Language Qualifications <p>The team composition should also include additional team member(s). The team member(s) should have the following qualifications:</p> <ul style="list-style-type: none"> • Minimum Bachelor's degree • Minimum 3-5 years of relevant experience in gender, justice, and law. • Strong experience working in academia, NGOs, and/or research institution • Proven experience in undertaking similar projects is preferred, especially projects that are gender-sensitive or focus on women's empowerment • Strong English Writing Skills <p>Team members will be assessed on the following:</p> <ul style="list-style-type: none"> • General qualification • Technical expertise on gender, justice, and law • Working Experience in the Indonesian justice sector, with a focus on access to justice • Professional Experience in the area of specialization as required by the ToR • Language Qualifications 	
3.2	<p>Gender Profile</p> <p>The offeror shall provide information on the gender profile of the organization:</p> <ul style="list-style-type: none"> - Women-owned Business status – whether the entity is owned, controlled or managed by at least 51% women; - Proportion of women in managerial position; and - Gender balance of the proposed project/team. 	20
Total Points for Section 3		100
TOTAL POINTS		700