

# Consultant to conduct a Consultative Assessment on the “Assigned Counsel System” in Sri Lanka – Reference no. IC/JURE/2022/36 - for Sri Lankans only

Location :	Home-based with travel to outstation as required, SRI LANKA
Application Deadline :	27-Jul-22 (Midnight New York, USA)
Time left :	3d 19h 49m
Type of Contract :	Individual Contract
Post Level :	National Consultant
Languages Required :	English
Duration of Initial Contract :	3 months

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UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.

UNDP does not tolerate sexual exploitation and abuse, any kind of harassment, including sexual harassment, and discrimination. All selected candidates will, therefore, undergo rigorous reference and background checks.

## Background

UNDP Sri Lanka's Flagship Portfolio on SDG16, Peace, Justice and Strong Institutions brings together **inclusive governance and peacebuilding** work under one umbrella. The Portfolio is implemented by UNDP as part of its Country Programme and the United Nations Sustainable Development Framework and enables the provision of cohesive and integrated support to Sri Lanka.

Under this portfolio, UNDP in partnership with the United Nations Children's Fund (UNICEF) have launched a comprehensive Justice Reforms Programme (Programme) supported by the European Union. The Programme contains a holistic package of support to the justice sector in Sri Lanka and is being implemented in close consultation and partnership with key justice sector institutions including the Judicial Service Commission, Ministry of Justice, Attorney General's Department and Legal Aid Commission of Sri Lanka.

The JURE Programme takes a three-pronged approach to building a modern, efficient and inclusive justice sector which includes improving access to Justice, improving accountability and transparency and improving efficiency and quality. The JURE Programme is designed to be catalytic to improving access to justice, provides a platform for bringing together stakeholders including sectoral state institutions, independent commissions, professional bodies, academic institutions, and civil society into supporting a national effort for justice sector reform.

### Background to the initiative

Within the justice sector, an important safeguard that exists for the benefit of the citizens of the country is the concept of 'fair trial rights'. This right is entrenched in Sri Lanka through article 4 read with article 13(3) of the Constitution. In order to guarantee a fair trial, there must exist the right to counsel and right to legal assistance in the event that a citizen is named a defendant in a trial. Under the assigned counsel system, once an indictment is filed, where the accused requests for an attorney-at-law upon the judge's inquiry, court must assign an attorney-at-law for his defense. This ensures that no defendant goes unrepresented in a criminal trial.

To date, there is little written reference on how the assigned counsel system works in Sri Lanka which brings to the fore a dearly felt need for its proper identification. There is little reference to the appointment of assigned counsel, the content of assigned counsels' powers and duties as well as their removal. The principles according to which the assigned counsel system functions is largely left to the norms and practices of the legal profession. Analysis of how this system is in operation and how it could be improved would ultimately lead to a stronger and more vigorous justice sector for Sri Lanka.

This assignment has been designed to analyze the assigned counsel system in Sri Lanka to understand scope for improvement, both of which are important considerations in improving fair trial rights of citizens.

## SCOPE AND OBJECTIVES

The objectives of the assignment are as follows:

- To identify the mechanism pertaining to the assigned counsel system in Sri Lanka through a multi-layered consultation process of all stakeholders involved in the process of assigning counsel
- To identify the efficacy of the assigned counsel system with special emphasis on quality of representation, delivery of justice and financial remuneration
- To recognize the gaps that are currently existing within the assigned counsel system
- To present recommendations on how to improve/expand the assigned counsel system

This assignment calls upon the Independent Consultant (IC) to provide both an in-depth analysis on how the system has been laid down textually and how it is practiced in the legal system.

Under this assignment, the IC is expected to engage in a multi-layered consultative process in order to identify the process of assigning counsel, the efficacy/quality of the services, impact of the service. At minimum there needs to be 10 focus group discussions, 25 key informant interviews and 1 national consultative meeting to gather and validate the findings. The IC could also utilize surveys to gather information on the satisfaction levels of the system, depending on the ability to obtain valid input from the beneficiaries.

## Duties and Responsibilities

No.	Deliverables/outputs	Estimated duration to complete	Due date	Schedules of payments
01.	Inception report with the details on the methodological approach to the study	2 weeks	10th August 2022	40% of lump sum
02.	Draft report of the findings	2 months	20th August 2022	40% of lump sum
03.	Final report with UNDP input incorporated and summary of the final report	2 weeks after receiving feedback on the draft report	15th October 2022	20% of lump sum

## TIMEFRAME

The assignment should be completed within three months.

## Competencies

The prospective consultant should have the following competencies and qualifications.

### Technical competency

- Consultant should possess the abilities, skills, and experience appropriate to undertake the tasks proposed.
- Respect for people: Consultant respect the security, dignity and self-worth of respondents, program participants. Consultant has the responsibility to be sensitive to and respect differences amongst participants in culture, religion, gender, disability, age, and ethnicity.

### Behavioral Competencies

- Ability to be flexible and respond to changes to text/layout as part of the review and feedback process.
- Strong interpersonal skills, able to communicate and work with diverse people.
- Participate effectively in team-based, information-sharing environment, collaborating and cooperating with others.

## Results

- Proven delivery of high-quality results, in a timely manner.
- Ability to plan own work and use time efficiently, manage conflicting priorities and work under pressure of tight and conflicting deadlines.

## Required Skills and Experience

### Academic

- Attorney-at-Law with a Master's degree in law and seven years of progressively responsible work experience in the justice sector.

OR

- Attorney-at-Law with a bachelor's degree in law and ten years of progressively responsible work experience in the justice sector.

### Experience

- At least 5 years professional experience in practicing law or working in the justice sector
- Strong experience in conducting evidence-based research and report writing
- Demonstrated experience in working with government partners and other stakeholders in public sector development programs

### Special skills

- Fluency in Sinhala/Tamil and English/ understanding in disability and gender mainstreaming

## Selection of an Individual Consultant

### Evaluation Method and Criteria

#### Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

### Technical Criteria for Evaluation (Maximum 700 points)

Overall technical evaluation criteria:

Summary of Technical Proposal	Maximum Total Points
Part 1: Relevance of education	250
Part2: Relevance of experience (additional points for demonstrated experience in conducting similar studies and analyses)	350
Part 3: Special skills (example, language, gender/ understanding in disability and gender mainstreaming)	100
<b>Total</b>	<b>700</b>

Details of evaluation criteria and marking scheme:

Part 1: Relevance of education:

No	Criteria	Maximum Points
1.1	Attorney-at-Law with a Master's degree in law and seven years of progressively responsible work experience in the justice sector. <b>OR</b> Attorney-at-Law with a Bachelor's degree in law and ten years of progressively responsible work experience in the justice sector	250

Part 2: Relevance of experience in area of specialization:

No	Criteria	Maximum Points
2.1	At least 5 years of professional experience in practicing law or working in the justice sector	150
2.2.	Strong experience in conducting evidence-based research and report writing	100
2.3	Demonstrated experience in working with government partners and other stakeholders in public sector development programs	100

Part 3: Special skills

No	Criteria	Maximum Points
3.1	Fluency in Sinhala/Tamil and English/ understanding in disability and gender mainstreaming	100

Only candidates obtaining a minimum of 490 points (70% of the total technical points) would be considered for the Financial Evaluation.

## HOW TO APPLY

By accessing UNDP Jobs site: <http://jobs.undp.org>

The application should contain:

- Cover letter** explaining why you are the most suitable candidate for the advertised position and a brief methodology on how you will approach and conduct the work.
- Updated CV** to include qualifications/competencies and relevant past experience in similar projects and contact details of 3 professional referees who can certify your competencies, professionalism, quality of writing, presentation, and overall suitability to this TOR.
- Individual Consultants will be evaluated based on a combination of factors including cover letter, the credentials on offer, and a brief interview (optional) and the offer which gives the **best value for money for UNDP**.
- Please send the Financial Proposal separately to the following e-mail address: [consultants.lk@undp.org](mailto:consultants.lk@undp.org) stating the vacancy number/position in the subject line as per the annex II given below.

## FINANCIAL PROPOSAL

All Inclusive Lump Sum amount: LKR (\_\_\_\_\_)

Amount in words: (Rs. \_\_\_\_\_)

## Annexes

- Annex I - Individual IC General Terms and Conditions
- Annex II – Offeror's Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template

**Note:** Payments will be based on invoices on achievement of agreed milestones i.e., upon delivery of the services specified in the TOR and certification of consultancy by the UNDP. The applicant must factor in all possible foreseen costs in his/her "All Inclusive Lump Sum Fee" including his/her professional fee, board and lodging, and any other foreseen costs in this exercise. No costs other than what has been indicated in the financial proposal will be paid or reimbursed to the consultant. UNDP will only pay for any unplanned travel outside of this TOR and Duty Station on actual basis and on submission of original bills/invoices and on prior agreement with UNDP officials. Daily per diem and costs for accommodation/meals/incidental expenses for such travel shall not exceed established local UNDP DSA rates.

For an Individual Contractor who is 65 years of age or older, and on an assignment requiring travel, be it for the purpose of arriving at the duty station or as an integral duty required to travel under the TOR, a full medical examination and statement of fitness to work must be provided. Such medical examination costs must be factored into the financial proposal above.

## PAYMENT FOR SERVICES

Payments will be based on work completed/ progress certified by the Senior Technical Specialist, of the JURE Project. The consultant would need to attach a progress report when requesting payment.

Payments will be based on the submission of written reports specifying the tasks accomplished towards achieving the deliverables outlined above.

**Incomplete applications will not be considered. Please make sure you have provided all requested materials.**

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