

TOR approved by
Ryszard Komenda , Deputy Regional Representative

_____.Signature _____Date

TERMS OF REFERENCE

FOR THE POSITION OF A STRATEGIC LITIGATION EXPERT

Programme title	Regional Office for Central Asia of the UN High Commissioner for Human Rights for Central Asia in Bishkek (OHCHR ROCA)
Short title of Assignment	Strategic Litigation and Non-Discrimination Expert (Bishkek)
Duty Station:	Bishkek, Kyrgyz Republic (with travel)
Type of Contract:	Individual consultant (IC)
Duration of Contract:	72 effective person days (May 2020 – November 2020)

BACKGROUND:

The UN Human Rights Office in Central Asia (OHCHR ROCA) is currently implementing **the Judicial and Social Equality Programme (JSEP)**, funded by the European Union's Instrument for Stability (IfS) and the Peacebuilding Fund (PBF). The programme is designed to comprehensively address inequality and discrimination issues in Kyrgyzstan, with a specific focus on establishing an environment conducive for human rights-compliant countering and prevention of violent extremism.

A crucial part of the programme focuses on engendering adequate responses of Kyrgyzstan's judiciary to discrimination-related legal issues. The programme for this purpose will implement a long-term learning programme for human rights lawyers and defenders from Kyrgyzstan on strategic litigation, focusing on issues of discrimination and ensuring equality.

This learning programme consists of two elements. (1) Human rights lawyers and defenders are going to be exposed to a comprehensive strategic litigation school, consisting of seven multi-day trainings on the topic of strategic litigation, non-discrimination and human rights in the context of countering and prevention of violent extremism in various locations of Kyrgyzstan. (2) Participants of the school and other interested parties are eligible for ongoing support in their litigation efforts of strategically relevant cases.

In order to ensure successful implementation of both the (1) strategic litigation school and the (2) ongoing strategic litigation support, the UN Human Rights Office in Central Asia requires the services of an individual consultant with specific experience in strategic litigation and human rights.

OBJECTIVES OF THE ASSIGNMENT

The objectives of the assignment are three-fold:

1. Help ensure implementation of strategic litigation school in Kyrgyzstan by way of assuming the function of experts and facilitator throughout all learning activities of the school
2. Provide technical and substantive support to human rights lawyers and defenders for the development of strategic litigation aimed at eliminating discrimination and ensuring human rights in the context of countering and prevention of violent extremism. This includes strategic litigation retreats in order to enable human rights lawyers and defenders to proficiently litigate discrimination, inequality and violent extremism cases in Kyrgyzstan with a view to increase relevant case law.

SCOPE OF WORK

Under the supervision of the OHCHR Human Rights Officer, and guidance provided by the OHCHR Programme Coordinator the individual consultant will be engaged in the following areas of work:

Implementation of the Strategic Litigation School (16 effective person days)

The individual consultant will act as a trainer and facilitator in all four (4) three-day training sessions of the strategic litigation school in various locations of Kyrgyzstan. This work includes:

- preparation of training materials in coordination with all other trainers and the UN Human Rights Office, including programme, training materials and other handouts as well as preparing examination material;
- conduction of specific sessions during the trainings, in coordination with the UN Human Rights Office, including both substantive sessions as well as interactive sessions for discussing litigation strategies;
- Preparation of an outcome report for each training;

Provision of ongoing litigation support (36 effective person days)

The individual consultant is required to provide continuous and ad-hoc advisory support to human rights lawyers and defenders trained in the strategic litigation school in at least ten (10) strategically important cases. This includes:

- To help develop, initiate and litigate strategically important cases, based on the recommendation of, and discussion with the UN Human Rights Office in Central Asia.
- To substantively support the process of ongoing litigation, address written and oral questions of human rights lawyers and defenders arising in connection with their litigation efforts;
- To provide recommendations for enhancing the litigation, such as providing written commentary to draft documents relevant to court cases, consulting human rights defenders and lawyers orally on issues relevant to their cases;
- To prepare a comprehensive file and report for all advisory services rendered, if applicable jointly with other involved parties.

Preparation and tracking of assignments for independent work of participants between trainings (14 working days)

Preparation of four training sessions for independent work for participants:

- Development of four types of homework for school participants (including topics from previous trainings, theoretical and practical tasks);
- Monitoring of homework by participants, maintaining feedback with participants;
- Prepare outcome reports, if applicable jointly with other involved parties.

As a final result of the work the IC holder will prepare a final analytical report, including all information gathered and an analysis of litigation, including both substantially and statistically. **(6 effective person days)**

FINAL DELIVERABLES

All deliverables are subject to approval by the OHCHR Human Rights Officer.

Item	Deadline	Payment structure
<u>Deliverable 1: Strategic litigation trainings 1-2</u> <ul style="list-style-type: none"> • Report on the conduction of two (2) strategic litigation trainings: <ul style="list-style-type: none"> ○ Strategic Litigation and Equality; ○ Discrimination of People with Disabilities; detailing the involvement in development of programme, case studies, preparation and development of examination, expert selection, and facilitation throughout the training; • 3reparation of two types of homework, monitoring of homework performance of the participants 	15 effective person days not later than 15 th of June 2020	22%

<u>Deliverable 2: Strategic Litigation Support</u> <ul style="list-style-type: none"> Ten (10) initial comprehensive case files/reports detailing all developments of litigation and the involvement of the consultant; 	24 effective person days after signing the contract but not later than 5 th of July 2020	12%
<u>Deliverable 3: Strategic litigation trainings 3-4</u> <ul style="list-style-type: none"> Report on the conduction of two (2) strategic litigation trainings: <ul style="list-style-type: none"> Discrimination in labor relations; Ethnic Discrimination; detailing the involvement in development of programme, case studies, preparation and development of examination, expert selection, and facilitation throughout the training; Preparation of two types of homework, monitoring of homework performance of the participants 	39 effective person days after signing the contract not later than 15 th of August 2020	22%
<u>Deliverable 4: Strategic Litigation Support</u> <ul style="list-style-type: none"> Ten (10) updated comprehensive case files/reports detailing all developments of litigation and the involvement of the consultant; 	48 effective person days after signing the contract not later than 15 th of September 2020	12%
<u>Deliverable 5: Strategic Litigation Support</u> <ul style="list-style-type: none"> Ten (10) updated comprehensive case files/reports detailing all developments of litigation and the involvement of the consultant; 	57 effective person days after signing the contract not later than 10 th of October 2020	12%
<u>Deliverable 6: Strategic Litigation Support</u> <ul style="list-style-type: none"> Ten (10) updated comprehensive case files/reports detailing all developments of litigation and the involvement of the consultant; 	66 effective person days after signing the contract but not later than 10 th of November 2020	12%
<u>Deliverable 7: Final analysis and report</u> <ul style="list-style-type: none"> Final analytical report on the strategic litigation school, ongoing litigation support and litigation retreats; 	72 effective person days after signing the contract not later than 30 th of November 2020	8%

REPORTING REQUIREMENTS

The Consultant will submit all reports in free format outlined in the deliverable table and are to be approved by the OHCHR Human Rights Officer.

QUALIFICATION REQUIREMENTS

- University degree in Law
- Minimum 5 years of work experience in strategic litigation and human rights related work, on both the national and international level
- Demonstrated experience on cases related to combatting discrimination;
- At least 3 years' experience in coaching/mentoring of lawyers and students on human rights issues.
- Fluency in Russian.

ADDITIONAL REQUIREMENTS FOR RECOMMENDED CONTRACTORS

Individual Consultants/Contractors whose assignments require travel and who are over 65 years of age are required, at their own cost, to undergo a full medical examination including x-rays and obtaining medical clearance from an UN-approved doctor prior to taking up their assignment.

Individual Consultants/Contractors are required to have vaccinations/inoculations when travelling to certain countries, as designated by the UN Medical Director. The cost of required vaccinations/inoculations, when foreseeable, must be included in the financial proposal. Any unforeseeable vaccination/inoculation cost will be reimbursed by UNDP.

SECURITY CLEARANCE

The Consultant should undertake the BSAFE training prior to travelling (only if travel is required). These requirements apply for all Consultants, attracted individually or through the Employer.

TRAVEL REQUIREMENTS

Duty Station: Bishkek

All travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket and Daily allowance exceeding UNDP rates. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

OHCHR INPUT

N/A

SCOPE OF PRICE PROPOSAL

Preferred Currency of Offer: US Dollars

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverable (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diem, and number of anticipated working days).

For local contractors in Kyrgyzstan UNDP shall effect payment in Kyrgyz Som based on the prevailing UN operational rate of exchange on the month of payment. The prevailing UN operational rate of exchange is available for public from the following link:
<http://treasury.un.org/operationalrates/OperationalRates.aspx>