

Justice System Support Programme (JSSP)

1. Context

- 1.1 There is low confidence and trust in Pakistan's formal justice system. Most people seek remedy through informal means. Military courts have been introduced to try terrorist cases. With a recent drop in terrorism, there is opportunity to support Government of Pakistan leadership in strengthening rule of law for achievement of Pakistan's Vision 2025, National Action Plan and commitment to Global Goal 16 on Peace and Justice. Citizen demand for change is high.
- 1.2 In April 2015 the British High Commission Islamabad established a cross-HMG Pakistan Rule of Law (RoL) Programme coordinating Department for International Development (DFID), Foreign and Commonwealth Office (FCO), Home Office (HO), National Crime Agency (NCA) and Ministry of Defence (MOD) engagement.
- 1.3 Building on previous DFID and HMG interventions, evidence and lessons learned, the Pakistan RoL Programme is focused on supporting Government of Pakistan leadership and achieving effect in areas where the UK has greatest skills, expertise and experience to offer. We are mobilising UK rule of law institutions to work in partnership with the Government of Pakistan.
- 1.4 With excellent bilateral relations, including military to military, diaspora networks and a common legal foundation, the UK is well placed to deliver. We work closely with other donors and multilaterals and are leading efforts to improve donor and multilateral coordination within functional areas (e.g. forensics, legal assistance) and at provincial level.
- 1.5 The cross-HMG Pakistan RoL Programme is being delivered through the following modalities:
 - a. HMG engagement and delivery of activity in specialist areas such as serious and organised crime.
 - b. UK/Pakistan institutional partnerships.
 - c. DFID managed supplier-led programmes in two areas **i) supporting Government leadership of reforms and improving criminal justice performance (JSSP)**, and **ii) strengthening justice sector accountability and empowering citizens to access justice (AJPP)**.
 - d. DFID managed UN Joint Programme.

2. Justice System Support Programme

- 2.1 The Justice System Support Programme (JSSP) aims to support Government of Pakistan leadership of rule of law reforms and improved criminal justice system performance. With a budget of up to £25m the timeframe for Implementation is 2016-20 with an option for a one year extension, subject to ongoing need and availability of funding.
- 2.2 The JSSP contract will be managed by DFID as part of the cross-HMG Pakistan Rule of Law (RoL) Programme 2016-20. The expected outcome of the Pakistan RoL Programme is increased public confidence and trust in rule of law with intermediary outcomes as detailed in Annex A.

Terms of Reference

- 2.3 The JSSP is designed to complement DFID support to justice sector accountability and empowerment of citizens to access justice, through the Accountable Justice in Pakistan Programme (AJPP).
- 2.4 The Lead supplier selected to deliver the JSSP will be excluded from operating as the Lead Supplier on AJPP and vice versa. Lead suppliers for each programme will not be excluded from operating as part of the consortium on the other programme. However where the possibility of this situation occurs suppliers must demonstrate appropriate firewalls within their proposal to ensure no conflict occurs.

3. Objectives

- 3.1 Led by HMG political engagement and working within Pakistani-led and owned reform frameworks (currently under development at Federal and Provincial level to be shared subject to finalisation and agreement by Government of Pakistan, where feasible at ITT stage), JSSP objectives are to achieve:
 - a. Increased Government of Pakistan leadership and delivery of priority legal, regulatory and institutional reforms.
 - b. Improved criminal justice system coordination, planning and operations to tackle systemic problems for Pakistan RoL Programme results.
 - c. Enhanced institutional performance of police, prosecutions, corrections and courts to tackle systemic justice problems for Pakistan RoL Programme results (including non-state institutions where relevant to improving citizen choice in accessing justice).
- 3.2 The JSSP will support data analysis and use by Government of Pakistan as a cross-cutting methodology for achievement of these objectives.

4. Recipients/Beneficiaries

- a. Federal Government of Pakistan.
- b. Pakistan Judiciary.
- c. Government of Punjab.
- d. Government of Khyber Pakhtunkhwa.
- e. Government of Sindh.

5. Scope of activity

- 5.1 In order to build an inter-provincial coalition for Federal legislative reform, foster cooperation among provinces, as well as promote compatibility and sustainability of reforms, the JSSP will work flexibly within and across provinces. The JSSP will need to be a flexible and adaptive Programme, taking each region's specific problems, needs and context into account, as well as assessing annual reviews taking account of lessons learned and re-aligning expected achievements for subsequent years. (including to recruit and manage effective staff teams).
- 5.2 The JSSP centre of gravity will be Khyber Pakhtunkhwa (KP) and Punjab, expanding into Karachi/Sindh and with complementary support to Federal Government (e.g. on legislative reform and standard setting).

Terms of Reference

- 5.3 Activity in Karachi/Sindh will initially build on previous and current HMG engagement (documentation to be made available at ITT stage), whilst developing relationships with stakeholders (government, civil society, international), learning lessons, deepening contextual understanding and assessing risks.
- 5.4 This activity will inform development of a feasible, evidence-based and good value for money proposal that will make a strategic contribution to the Pakistan RoL Programme's expected results and outcome/intermediary outcomes. The supplier will develop a proposal for enhanced activity in Karachi/Sindh to be reviewed by DFID at the end of Year 1 for approval in line with Pakistan RoL Programme governance arrangements. If this is not approved other JSSP outputs are to be consolidated.
- 5.4 The supplier of JSSP will work in close collaboration with other implementing partners delivering the Pakistan RoL Programme including:
- a. Suppliers – particularly of the AJPP and Pakistan Conflict Stability and Security Fund third party monitoring and evaluation supplier.
 - b. UN – expected to deliver complementary DFID managed rule of law services, primarily in FATA and Baluchistan.
 - c. UK Departments and Agencies.
 - d. UK rule of law institutions.
- 5.5 The supplier of JSSP is expected to act as a lead facilitator of effective collaboration across Pakistan RoL Programme implementing partners. An approach to this is to be designed and piloted during Inception. This may include establishment of a platform that can be readily accessed by Pakistan RoL Programme implementing partners and potentially HMG as a work space (subject to feasibility and budget as assessed during Inception).
- 5.7 The HMG Rule of Law team will continue to lead efforts to improve donor coordination within functional areas and at provincial level. The JSSP supplier will be required to assist this, particularly through support to government leadership of donor coordination.
- 5.8 A HMG Political Engagement Strategy (currently under development and to be shared at ITT stage) will ultimately guide all JSSP activity. The supplier of JSSP will manage a System Reforms Fund to deliver projects in support of Government of Pakistan-led piloting and seeding of reforms. The Fund will account for potential delivery of projects by UK Departments and Agencies as well as other Pakistan RoL Programme implementing partners. Proposals should include a Systems Reform Fund budget and detailed methodology.
- 5.9 Where delivery at district level is required to demonstrate results (primarily for Output b – see para 6 below) JSSP will deliver in a small number of districts in each province. These will be selected in consultation with DFID and Government of Pakistan according to criteria proposed by the supplier and accepted by DFID (including access, 'do no harm', potential for impact, avoiding duplication with other donor activity).
- 5.9 The supplier will be expected to enable access to the JSSP by the Pakistan Conflict Stability and Security Fund third party Monitoring and Evaluation supplier. The role of this third party Monitoring and Evaluation supplier is expected to complement strong JSSP monitoring, evaluation and learning.

Terms of Reference

6. Outputs

- 6.1 The following outputs are to be delivered by the JSSP. High-level expected results for the Pakistan RoL Programme are at Annex A. The Pakistan RoL Programme's Results Framework is under development and to be shared at ITT stage. JSSP outputs and results are to be refined and tested for feasibility during Inception. A logframe is to be fully developed during Inception including baseline data and with attention to robust attribution between outcomes and outputs.
- a) **Increased Government of Pakistan leadership and delivery of priority legal, regulatory and institutional reforms.** The approach to delivery should include investment in government strategic planning, change management, data analysis and performance monitoring to tackle rule of law problems that matter most for shared Pakistani and UK interests (including serious and organised crime). This may include docking into existing UK supported Delivery Units where appropriate. This output includes management of a System Reforms Fund to back highest potential reform initiatives as outlined above (see para 6.4).
 - b) **Improved criminal justice system coordination, planning and operations** to tackle systemic problems for Pakistan RoL Programme results. The approach to delivery should be nested within a Pakistan-led and owned reform Framework and strengthen Pakistan's existing criminal justice system coordination architecture at provincial and district levels wherever feasible.
 - c) **Enhanced institutional performance** of police, prosecutions, corrections and courts to tackle systemic justice problems for Pakistan RoL Programme results (including non-state institutions where relevant to improving citizen choice in accessing justice). The approach to delivery should be nested within a Pakistan-led and owned reform Framework and prioritise organisational development (human resources, financial and performance management/standards) rather than input-oriented training.

7. Inception and Implementation

- 7.1 The JSSP will comprise two phases:
- i. Inception (6 months) – during this phase the supplier will engage with stakeholders (government, civil society, international) and prepare implementation plans (see below deliverables) for approval. Subject to consultation and agreement with DFID, early opportunities may be seized to test approaches, build relations with stakeholders and start up progress towards results before Implementation.
 - ii. Implementation (43 months) – during this phase the appointed supplier will implement the plans.
- 7.2 Due to the long duration of the Programme, the Contract must have adequate provision for variation to adapt to changes that occur during the life of the Programme. DFID shall, as a condition of proceeding from one phase to the next, have the right to request changes to the Contract, including the Services, the Terms of Reference and the Contract Price to reflect lessons learned, or changes in circumstances, policies or objectives relating to or affecting the Programme.

Terms of Reference

- 7.3 The key review points for the Programme and Contract are the following stages: at the end of the Inception period, 12 months, and thereafter annually until the end of the contract. Continuation following a review point will be subject to the satisfactory performance of the supplier during the preceding period, continued availability of funding, and the continuing needs of the Programme.

8. Inception phase requirements

- 8.1 During Inception, the supplier will work in close collaboration with DFID, the Foreign and Commonwealth Office, Ministry of Defence, Home Office and National Crime Agency representatives as designated and facilitated by the Head of Rule of Law; other Pakistan RoL Programme implementing partners (suppliers, UN, UK rule of law institutions); and wider DFID and HMG funded programmes in Pakistan as relevant. The JSSP is expected to establish particularly strong links to cross-HMG Democracy and DFID Gender Programmes.
- 8.2 The supplier of JSSP will take into account, and coordinate with, other previous and current international activity on rule of law, especially EU funded programmes in KP and Punjab, and German Government-funded programming in Punjab and Sindh to maximise the impact of UK investment and support aid effectiveness in Pakistan. During Inception Phase the supplier will be expected to work closely with DFID to agree an approach to coherent delivery with the EU's Citizens Justice and Peace Programme in KP.
- 8.3 Plans should be developed to be flexible and adaptable and must take into account the particular needs of girls, women, young people (under 25) and minorities. The JSSP is expected to deliver an ambitious set of gender targets (see Annex A). It will be sensitive to – and proactively manage – conflict, corruption and human rights risks. All plans must consider sustainability from the outset.

9. Timeframe

Inception: Commencing on 26th November 2016 for a period of 6 months (possible extension to bridge Inception and Implementation to allow for proposals to be agreed)

Implementation: Following completion of inception until 25th November 2020.

10. Deliverables: Inception Phase

Deliverable	Timeframe
Initial report covering: <ul style="list-style-type: none">- Completion of human resource mobilisation- MoUs agreed between DFID, Provincial and Federal Government (joint supplier-DFID deliverable)	One month from start date
Programme Governance operational: <ul style="list-style-type: none">- Notification of Steering Committee and/or other appropriate JSSP governance arrangements by Government of Pakistan (e.g. Working Groups)- Appropriate agreement between supplier of JSSP and Pakistan third party M&E Supplier	End of second month

Terms of Reference

Mid-point report updating on progress towards all Inception deliverables	End of three months
Inception report covering: <ul style="list-style-type: none"> - Theory of Change - Results achieved during Inception and to be delivered during Implementation in line with Pakistan RoL Programme Results Framework - Proposed geographic and institutional footprint of programme (including by results area) - Programme approach to fostering Government leadership and legislative/institutional/regulatory reform framework - Plan for System Reforms Fund implementation - Programme approach to building institutions through organisational development - Output delivery plan - M&E plan in line with Pakistan RoL Programme M&E Framework (mapped to proposed Results, including logframe and baseline) - Stakeholder engagement and communications strategy in line with HMG Political Engagement Strategy and mapped to proposed results (for at least first 6 months of Implementation Phase) - Plan for JSSP support to effective collaboration between Pakistan Rule of Law Programme implementing partners, drawing on lessons from support provided during Inception Phase - Plan for JSSP support to HMG and Government of Pakistan-led donor coordination - Programme governance structure - Programme management (human resources including leadership and management plan, operational, financial, approach to flexible/adaptive management, reporting in line with Pakistan RoL Programme requirements) 	Two weeks before Inception end date
Full costed proposal for Implementation	As above
Revised ToR for Implementation	As above
Updated logframe with baseline in line with Pakistan RoL Results Framework	As above
6 month workplan	As above
Risk strategy with matrix and particular attention to conflict sensitivity, security, corruption and gender issues. Human rights risk monitoring and reporting framework.	As above

11. Risk management

- 11.1 The supplier of JSSP will be expected to support HMG's Overseas Security and Justice Assessment process: providing inputs and updates as relevant, as well as developing and implementing a rigorous human rights monitoring and reporting framework.
- 11.2 Suppliers are expected to set out how gender equality, conflict sensitivity and anti-corruption will be built into the final design, implementation, monitoring and evaluation of the JSSP.

Terms of Reference

12. Reporting

- 12.1 The reports, detailed above, should be submitted to the RoL Programme Manager and copied to the Head of Rule of Law and Senior Rule of Law Adviser
- 12.2 During the Inception and Implementation phases, reports should be submitted as detailed above (table) and on a quarterly basis throughout implementation, including a financial report and forecast of spend for the following quarter. A brief monthly progress update is required for Pakistan RoL Programme reporting.
- 12.3 The JSSP will be accountable for delivery as part of the cross-HMG Pakistan Rule of Law Programme. DFID is the HMG contracting, financial and risk management authority

13. Duty of Care

13.1 The Service Provider is responsible for the safety and well-being of their Personnel and Third Parties affected by their activities, including appropriate security arrangements. They will also be responsible for the provision of suitable security arrangements for their domestic and business property.

13.2 DFID will share available information with the SP on security status and developments in-country and where appropriate.

13.3 The Service Provider is responsible for ensuring appropriate safety and security briefings for all of their Personnel working under this contract and ensuring that their Personnel register and receive briefing as outlined below.

- A security briefing for all SP Personnel on arrival, including reference to the latest travel advice available on the Foreign and Commonwealth Office website. Travel advice is available on the FCO website and the SP must ensure they (and their Personnel) are up to date with the latest position
- All such Personnel must register with their respective Embassies to ensure that they are included in emergency procedures;
- A copy of the DFID visitor notes (and a further copy each time these are updated), which the SP may use to brief their Personnel.

13.4 Tenderers must develop their ITT Response on the basis of being fully responsible for Duty of Care in line with the details provided above and the initial risk assessment matrix prepared by DFID. They must confirm in their ITT Response that:

- They fully accept responsibility for Security and Duty of Care;
- They understand the potential risks and have the knowledge and experience to develop an effective risk plan;
- They have the capability to manage their Duty of Care responsibilities throughout the life of the contract.

13.5 If you are unwilling or unable to accept responsibility for Security and Duty of Care as detailed above, your ITT will be viewed as non-compliant and excluded from further evaluation.

13.6 Acceptance of responsibility must be supported with evidence of Duty of Care capability and DFID reserves the right to clarify any aspect of this evidence.

Terms of Reference

14. Coordination

Head of Rule of Law

Senior Rule of Law Adviser

Rule of Law Senior Programme Manager

DFID Procurement and Commercial Manager