

Terms of Reference (TOR)
for
LEGAL ASSISTANCE SERVICES IN SOMALIA (Mogadishu, Dolow and Baidoa).

1. Who is the Danish Refugee Council?

Founded in 1956, the Danish Refugee Council (DRC) is a leading international NGO and one of the few with a specific expertise in forced displacement. Active in 40 countries with 9,000 employees and supported by 7,500 volunteers, DRC protects, advocates, and builds sustainable futures for refugees and other displacement affected people and communities. DRC works during displacement at all stages: In the acute crisis, in displacement, when settling and integrating in a new place, or upon return. DRC provides protection and life-saving humanitarian assistance; supports displaced persons in becoming self-reliant and included into hosting societies; and works with civil society and responsible authorities to promote protection of rights and peaceful coexistence.

DRC has been operational in Somalia since 1997, making it one of the leading international NGOs in the country. DRC focuses on protecting and advocating for the rights of refugees and internally displaced persons (IDPs) across various regions, including South Central Somalia, Somaliland, Puntland, and Galmudug.

With a commitment to providing life-saving humanitarian assistance, DRC supports displaced individuals in becoming self-reliant and integrates them into host communities. The organization's work spans all stages of displacement, from acute crises to long-term solutions, emphasizing protection and the promotion of durable solutions based on humanitarian principles.

2. Purpose of the consultancy

In 2024, Somalia faces a complex landscape characterized by political instability, social turmoil, and legal challenges, as highlighted in various humanitarian reports, including those from the UN Office for the Coordination of Humanitarian Affairs (OCHA), the World Food Program (WFP), and Human Rights Watch. The Federal Government struggles to establish effective governance amid ongoing disputes with Federal Member States and the persistent threat of armed groups, which undermines security and fosters displacement.

Over 3 million people are in urgent need of humanitarian assistance due to conflict, drought, and flooding, with alarmingly high rates of gender-based violence affecting women and girls, often exacerbated by weak legal protections. The legal framework remains underdeveloped, with significant barriers to accessing justice for marginalized groups, including limited legal aid and reliance on informal justice systems. Despite ongoing efforts for legal reforms and capacity building, entrenched societal norms and instability hinder progress, necessitating a comprehensive approach to address the multifaceted challenges facing the country.

3. Background

The mandate of DRC is the protection of people affected by conflict and displacement and the promotion of durable solutions based on humanitarian principles and human rights. DRC's vision is that no displaced person must be in want of help to find protection and durable solutions. This includes refugees and IDPs across age, gender, and diversity factors, considering the differences in needs, vulnerabilities, capacities and resources of various groups, including women and girls.

DRC's protection sector includes a range of programs, such as Child Protection, Community-Based Protection, and Gender-Based Violence (GBV) prevention and response. In Somalia, DRC specifically addresses the complexities of displacement caused by armed conflict, insecurity, and natural disasters, implementing programs designed to ensure that affected populations enjoy their human rights and have access to essential services.

4. Objective of the consultancy

Legal aid is a key component of DRC's Protection work that aims to address protection and displacement needs through an integrated and rights-based approach. This includes working with people by reducing vulnerabilities and supporting capacities to realize their rights, while at the same time working with duty bearers to ensure rights are respected, protected and fulfilled.

Specifically, DRC's Legal Aid Programming consist of two components: **a)** Legal aid services for and directly targeting conflict- and displacement-affected people **b)** Legal aid environment building activities carried out with the aim of raising awareness, strengthening capacities or addressing barriers to legal aid that affect the enjoyment of fundamental rights by conflict and displacement-affected people.

The purpose of this TOR is to secure the services of a registered **legal aid provider** for legal services directly targeting conflict and displacement-affected people and particularly women, girls, men and boys who are survivors or at risk of GBV.

5. Scope of work and Methodology

The Legal Assistances provider will support legally the individuals from Internal Displaced Persons and also Refugees and Asylum Seekers. Services will be delivered in close coordination with DRC Protection staff (Team leaders, Officers, and Caseworkers), who will refer clients for legal support.

5.1 Specific Legal Assistances Services:

- Legal aid services for and directly targeting conflict- and displacement-affected people. Legal aid services include:
 - Legal clinic, information dissemination / awareness raising;
 - Legal counselling;
 - Legal assistance;
 - Legal representation
 - Legal aid service training for DRC and UNHCR staff
 - Legal Aid service mapping in Mogadishu, Baidao and Dollow.

5.2 Definitions of these legal terms

- **1. Legal Information Dissemination / Awareness Raising:** This involves the systematic distribution of information about legal rights, laws, and available services to clients, survivors, and affected communities. The goal is to enhance awareness and understanding of legal issues, enabling individuals to make informed decisions about their rights and responsibilities. Activities may include workshops, informational sessions, brochures, and community outreach programs tailored to the specific needs of these groups.
- **2. Legal Counselling:** Legal counselling provides clients, survivors, and affected individuals with guidance and advice on specific legal issues. This process includes assessing a person's situation, explaining relevant laws, outlining options, and helping them understand the potential outcomes of their choices. Legal counselling can be conducted in person, over the phone, or via virtual consultations to accommodate varying needs.
- **3. Legal Assistance:** Legal assistance refers to the support provided to clients, survivors, and affected communities in navigating legal processes and systems. This may include helping individuals fill out legal documents, preparing for hearings, and understanding legal procedures. Legal assistance aims to ensure that these individuals can effectively engage with the legal system, even if they are not represented by a lawyer.
- **4. Legal Representation:** Legal representation involves formally representing clients, survivors, or affected individuals in legal matters before a court or other legal authority. This service includes advocating for their interests, presenting evidence, and making legal arguments on their behalf. Legal representation is typically provided by a qualified attorney and is essential in cases that require litigation or formal legal proceedings.
- **5. Legal Aid Service Training for DRC and other stakeholders:** This training involves equipping staff members of the Danish Refugee Council (DRC) and stakeholders with the knowledge and skills necessary to effectively provide legal aid services to clients, survivors, and affected communities. The training may cover topics such as the legal rights of these groups, legal procedures, ethical considerations, and best practices for providing support to affected populations. Within the context of Somalia.
- **6. Legal Aid Service Mapping in Mogadishu, Baidoa, and Dollow:** Legal aid service mapping is the process of identifying and documenting the availability and accessibility of legal aid services for clients, survivors, and affected communities in specific geographic areas, such as Mogadishu, Baidoa, and Dollow. This activity involves assessing existing legal service providers, their capacities, service areas, and the types of legal assistance offered. The goal is to create a comprehensive overview of legal aid resources to inform programming and improve access to justice for these populations in the identified regions.

5.3 Target populations

- Survivors and persons at risk of Gender-Based Violence (GBV): Individuals who have experienced or are at risk of experiencing physical, sexual, or psychological violence based on their gender. This includes, but is not limited to, domestic violence, sexual assault, rape, female genital mutilation (FGM), and early and forced marriage.
- Refugee and Asylum Seeker Legal Assistance: Legal assistance provided to individuals who have fled their home country due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. This includes assistance with asylum applications, refugee status determination, family reunification, and deportation and return.
- Protection of Internally Displaced Persons (IDPs): Legal assistance provided to individuals who have been forced to flee their homes within their own country due to conflict, violence, or natural disasters. This includes assistance with protection from violence and displacement, access to humanitarian assistance, and return and reintegration.
- Persons of Concern (PoCs) receiving Legal Assistance: Individuals who are recognized as needing international protection due to their vulnerability and risk of harm. This includes refugees, asylum seekers, internally displaced persons (IDPs), stateless persons, and other individuals who may be at risk of persecution or human rights violations.
- Legal Aid for Victims of Human Rights Violations: Legal assistance provided to individuals who have been victims of human rights violations, such as torture, extrajudicial killings, arbitrary detention, and violations of the right to freedom of expression. This includes assistance with documentation, investigation, and prosecution of perpetrators, and access to remedies and reparations.

6. Deliverables

- Prepare and submit an inception report outlining an interpretation of the TOR, a detailed work plan, and the tools to be used for service delivery.
- Develop and submit templates for monthly reporting on Legal Assistance services provided, including case details, type of the legal assisted, locations, and outcomes.
- Provide Legal Assistance services to GBV survivors or those at risk, in coordination with DRC staff referrals.
- Open and maintain confidential case files based on Protection in General and specifically GBV principles for GBV cases, and DRC guidelines.
- Ensure legal representation for clients in court or administrative settings, as required, following proper client authorization.
- Submit Weekly reports by the end of each week, detailing cases handled, service locations, outcomes, challenges and solutions.

- Submit a final report summarizing all services provided, including a breakdown of legal cases, case outcomes, and recommendations for future Legal Assistances programming.

7. Duration, timeline, and payment

The total expected duration to complete the assignment will be no more than **three** months: (from 20th November to 20th February 2025)

8. Eligibility, qualification, and experience required

Relevant Legal Expertise:

- Must demonstrate and have over three (3) years experience of providing legal aid services, particularly in areas related to humanitarian law, refugee law, and human rights and expertise in issues affecting clients, survivors, and affected communities, including gender-based violence (GBV), access to justice, and legal representation in civil matters.

Experience in Humanitarian Settings:

- Proven experience working within the humanitarian contexts in Somalia, with a deep understanding of regional and national and customary laws
- Familiarity with the challenges faced by displaced populations and vulnerable communities in accessing legal services.
- Proven track record of similar activities within the humanitarian setting.

Qualified Legal Personnel:

- A team of licensed and qualified legal professionals, including lawyers and paralegals, with experience in providing legal counselling, assistance, and representation.
- Staff members should possess relevant certifications and professional memberships in recognized legal associations.

Capacity for Training and Capacity Building:

- Ability to provide training to staff members of organizations such as the Danish Refugee Council (DRC) and other stakeholders on legal aid services and related topics.
- Demonstrated capacity to develop and deliver training programs tailored to the needs of humanitarian workers.

Mapping and Assessment Skills:

- Experience in conducting legal aid service mapping and assessments to identify available resources and service gaps in specific geographic areas.
- Ability to analyze data and produce comprehensive reports that inform programming and enhance access to justice.

Commitment to Ethical Standards:

- A strong commitment to ethical legal practice, confidentiality, and the protection of client rights, particularly for vulnerable populations.
- Demonstrated adherence to international human rights standards and best practices in legal aid provision.

Collaborative Approach:

- Proven ability to work collaboratively with local organizations, international agencies, and community stakeholders to enhance service delivery and address legal needs.
- Experience in building partnerships to foster a holistic approach to legal assistance.

Monitoring and Evaluation:

- Capacity to implement monitoring and evaluation frameworks to assess the effectiveness of legal services and ensure continuous improvement.
- Experience in reporting and documenting outcomes related to legal aid activities for stakeholders and funding bodies.

9. Technical supervision

The selected service provider will work under the supervision of the DRC's Country protection team and Area protection teams.

10. Location and support

Mogadishu with travels to field locations in Somalia – Dolow and Baidao. The Consultant firm will provide their own computer and mobile telephone.

11. Travel

The Consultant will travel to selected DRC field offices across Somalia (Mogadishu, Baidoa and Dollow), to understand the context, meet with respective staff and communities.

12. Submission process

Refer to the RFP Cover Document

13. Evaluation of bids

Refer to the RFP Cover Document