

TERMS OF REFERENCE

Title: Legal Aid and Counselling to IDPs and other conflict-affected individuals in Azerbaijan

UNHCR launches a tender for project proposals in the field of provision of legal aid and counseling to Internally Displaced Persons (IDPs)¹, as well as individuals affected as a result of the escalation in the military conflict between 27 September and 9 November 2020. The tender is open for lawyers, law firms, and other legal entities with relevant accreditation in the Republic of Azerbaijan and registered as commercial entities.

Background:

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to assist stateless people.

UNHCR established its presence in Azerbaijan in December 1992 and launched an emergency and humanitarian relief operation to assist persons fleeing the conflict in Karabakh. As the Government of Azerbaijan's capacity to support IDPs increased, UNHCR gradually reoriented its assistance to IDPs in key projects. In addition to remaining fully engaged with IDPs in partnership with the Government, UNHCR exercises its international mandate to protect and identify durable solutions for asylum-seekers and refugees and reduce statelessness in Azerbaijan.

IDPs and conflict-affected population in Azerbaijan

Azerbaijan has one of the highest per capita concentrations of IDPs in the world. According to the Government statistics, as of 31 December of 2022, there were 654,839 internally displaced from Karabakh and seven adjacent districts. The Government of Azerbaijan has invested significant resources and efforts in improving the living conditions of IDPs in the country through the construction of settlements and improvement of social infrastructure. However, a significant number of IDPs continue to live in public buildings, such as administrative buildings, dormitories, as well as old rural settlements. IDPs often face challenges in accessing social assistance, pensions, health care, and education; obtaining civil status documentation and registration; representation in local governance and national justice system; as well as security from violence and exploitation. Periodic participatory assessments, conducted by UNHCR and the Government among IDP communities, have demonstrated that IDPs with specific needs, such as the elderly, single-headed households, persons with disabilities, and persons with serious medical conditions often face the most challenges in accessing their rights due to limited mobility and access to information. Therefore, this project aims, among other objectives, to improve IDPs' access to information on available services and provision of legal aid to IDPs with specific needs.

As a result of escalation of hostilities on 27 September, tens of thousands of Azerbaijani citizens living within the range of affected areas fled and became temporarily displaced. At the end of October, the Government provided the UN with a figure of nearly 40,000 temporarily displaced though this was only referring to three districts (Barda, Agjebadi and Agdam). As a result of the 9 November ceasefire agreement and after the initial interagency needs assessment, it is believed that the vast majority, particularly those who fled on a precautionary basis, returned home, but there may still be up to displaced individuals and other affected non-displaced individuals in need of assistance owing to the fact that their houses are damaged or destroyed.

Previous Legal Assistance Projects

Current legal assistance project had offices in Baku, Barda, Fizuli, Ganja, Tartat, Aghdam and Mingachevir, and conducted monthly mobile awareness raising missions to remote areas within the mentioned regions. The previous project also envisaged daily legal counselling sessions for IDPs in the project Offices in these regions. The project team also provided legal assistance to IDPs where the follow-up was required.

¹ IDPs who hold a formal status from the Government of Azerbaijan

Intended Population of Concern

Baku, Barda, Fizuli, Agdam, Terter, Ganja and Mingachevir are identified as areas for the provision of legal services under this contract. Approximately 7,000 persons in these areas are expected to benefit from the project.

DURATION OF CONTRACT:

The duration of the contract is 12 months (01 January – 31 December 2023).

GENERAL CONDITIONS:

Language: All the reporting and correspondence between the parties will be in English.

Court representation: The Contractor will have the capacity to represent individuals in courts at all stages of the judicial proceedings. No additional payments for BAR member fees will be made by UNHCR.

Terms of staff employment: All staff members involved in the project should be legally employed via labor contract or service contract based on the TIN of the hired employee (the Contractor should avoid **civil-legal contract (mülki-hüquqi müqavilə)** arrangement) and the Contractor should ensure timely payment of all taxes and other relevant deductions.

SCOPE OF WORK OF THE CONTRACTOR:

Project Objective - Access to legal assistance and legal remedies improved.

The Contractor will provide the below mentioned services. The proposal should include the description and detailed budget (including taxes and all additional expenses as well as own contribution of the applicants in terms of office space, transportation, etc. to be provided by the applicants at no cost) for the requested services:

Legal assistance:

- Provide high-quality individual legal assistance to IDPs, including submission of documents to and representation in courts, who may require help in the areas of issuance of personal identity or civil status documents; access to social benefits; access to employment and healthcare; protection from gender based violence, and access durable solutions (voluntary return to the places of origin, or integration in the current place of residence) in Baku, Barda, Fizuli, Agdam, Terter, Ganja and Mingachevir cities/districts;
- Provide individual legal assistance to IDPs and conflict-affected population in the areas relating to the issues related to housing, land and property (HLP). The specific modalities of intervention are subject to agreement with UNHCR;

Awareness raising and information campaign among IDPs and conflict-affected population:

- Identify settlements and locations where IDPs and conflict-affected population lack access to legal information and/or assistance within the geographic regions of Baku, Barda, Fizuli, Agdam, Terter, Ganja and Mingachevir in consultation with UNHCR;
- Carry out awareness raising sessions on relevant legislation, administrative procedures, existing state services and access to such services, particularly in remote urban and rural areas through regular interaction with the IDP communities and conflict-affected population located in the mentioned cities/ regions of the country.
- Prepare, publish and disseminate relevant information materials among IDP communities and conflict-affected population,
- Establish a specialized hotline for individual protection counseling for IDPs and conflict- affected population.

Outreach:

- Conduct mobile visits to remote urban and rural areas where IDPs reside, particularly where IDPs, and conflict-affected persons with specific needs have been identified or request legal assistance or counseling. Ensure these people with specific needs, such as the elderly, single-headed households, persons with disabilities or serious medical conditions, and unaccompanied or separated children, are prioritized for legal counseling and assistance. Report to UNHCR dire humanitarian needs identified during the visits to the communities.
- Host walk-in hours at pre-determined locations in densely populated IDP areas on regular basis;
- Jointly with UNHCR organize capacity building events for the IDP communities.

Legal research and initiatives on improving existing legislative gaps:

- Conduct regular monitoring of the changes in the national legislation and keep UNHCR updated on the changes affecting protection of IDPs by providing substantive legal analyses of relevant amendments in monthly reports
- Analyze the existing national legislation to identify gaps and discrepancies in the legislative, policy and administrative procedures, as well as practices and based on findings, make recommendations to ensure the protection of displaced persons in line with international standards. Share the findings as well as recommendations with UNHCR on a quarterly basis.

Liaison with the local authorities:

- Conduct advocacy meetings with the local authorities providing services to IDPs in urban and rural settlements and act as intermediary between the IDP communities and authorities.
- Liaise with UNHCR, state and non-state institutions such as ASAN service centers, Ombudsperson's Office, Social Fund for Development of IDPs, local representations of the State Committee on IDPs and Refugees to follow up on issues brought up by IDP communities during the outreach sessions.
- Conduct other protection interventions aimed at ensuring that the rights of conflict-affected individuals who are still displaced as a result of the recent escalation of the hostilities are respected.
- Jointly with UNHCR Office in Azerbaijan organize capacity building events for the national authorities involved in the protection of IDPs.

Case Management:

- Manage legal cases with professionalism and with client-oriented, rights-based approach throughout the whole duration of the assistance.
- Record all activities, actions, correspondence, documents, and outcomes of each intervention in a database or information management system, as well as physical files.
- Upon completion of the project, hand over all collected information, including the compiled database and physical files to UNHCR Office in Azerbaijan.

Minimum Staffing and human resources requirement:

- Along with the management and support staff of the project, each project office in the mentioned districts should have at least two experienced lawyers of whom one should be a member of the Bar Association.
- The project should also have at least one dedicated lawyer for research and periodic monitoring of the national legislation
- Along with lawyers, each office should have one social worker for the purpose of regular contacts with IDP communities, identification of sensitive issues and conducting awareness raising sessions on topics agreed with UNHCR among IDPs;
- TORs of each staff member should be agreed with UNHCR before finalization of hiring procedures.

Reporting:

- Share monthly analytical reports in English with the focal points in UNHCR Azerbaijan no later than 7th of the following month.
- The reports should include both relevant trends, developments, and concrete protection interventions taken to address the identified problems, community-based activities, legislative amendments, proposed changes in legislation, as well as quantitative and qualitative data on the assisted cases.