



International Institute
for Nonviolent Action



Legal research services

TERMS OF REFERENCE

Region: Middle East

Beneficiary Country: Palestine

Contract number: 2014/PRYC/006907

Project title: “Enhancing the protection of protected people in the Gaza Strip and the West Bank by promoting respect for International Humanitarian Law (IHL)”

Within the framework of the Spanish Cooperation program, Nova is implementing “Enhancing the protection of protected people in the Gaza Strip and the West Bank by promoting respect for International Humanitarian Law (IHL)”.

The expected results from this project are:

- ER.1. Improved quality of law enforcement by the Israeli authorities upon its citizens and/or ISFP engaging in criminal activity in the West Bank Area C, East Jerusalem and the Gaza Strip by compelling the State of Israel to uphold its duties under Israeli and international law.
- ER.2 Promoted adherence to international IHL, focused on observing, monitoring, documenting and analysing IHL violations and duty-bearers accountability
- ER.3. Strengthened coordination mechanisms between the legal departments of NGOs working on promotion of IHL and IHRL protection in the West Bank and in the Gaza Strip.

Project Implementation Period: 20 months – 21st January 2015 to 20th September 2016.

1. BACKGROUND

The project aims to contribute to the creation of a climate that would allow the end of the impunity IHL and IHRL violations. The action will be structured in 3 pillars combining the experience of the partners involved, because of this a coalition has been created formed by a Palestinian organization, the Palestinian Center for Human Rights (PCHR), and an International organization, Nova-NOVACT. The three-axis of the project are: 1) Improve the mechanisms of accountability for criminal activities and/or crimes in the Area C of the West Bank, East Jerusalem and the Gaza Strip, committed by Israeli citizens or security forces, forcing the State of Israel to comply with its duties under Israeli law, the IHL and the IHRL. (2) The promotion of compliance with international humanitarian law focused on observation, monitoring, documentation and analysis of violations of IHL and responsibility of holders of obligations. (3) Strengthening the coordination mechanisms between the legal departments of the NGOs working in the promotion of the international humanitarian law and the protection of human rights in the West Bank and the Gaza Strip.

2. SERVICE CONTRACT OBJECTIVE'S AND ACTIVITIES

The service contract for legal research will start after the signature of the contract with the implementing NGO and last until the project finished (20th of September 2016) unless both parties agree on any modification that can include activities and outcomes aligned with the project goals and within the project implementation period. The geographical area of intervention of the legal services will be area C in the West Bank.

The main activities will be:

1. To train volunteers in IHL and IHRL.
2. To train volunteers in gender analysis in the context of ISFP accountability and data collection
3. To conduct field research through the liaisons and trained volunteers to respond to calls from victims or their acquaintances who have experienced incidents of violence, harassment, damage to property etc. at the hands of Israeli civilians (mainly settlers) in the West Bank.
4. To monitor criminal trials by sending trained volunteers to hearings, assisting witnesses in getting to courts (e.g. arranging permits, and escorting them to the Israeli court) and arranging anything else in providing legal aid and access to justice and facilitating just proceedings (e.g. representing the victims when authorities consult them regarding a possible plea bargain with the offenders).
5. To conduct analysis of patterns and policy recommendations and produce research papers and periodic data sheets based on the data collected in the field
6. To raise awareness on IHL violations among international policy makers and

- duty bearers through evidence based humanitarian advocacy activities
7. To have regular meetings with key IHRL and IHL organizations based in the Gaza Strip and the West Bank in order to share information, better practices and enhance coordination for improving the impact of humanitarian advocacy actions

3. OUTCOMES

The specific outcomes foreseen are:

- At least 12 volunteers trained in IHL and IHRL
- At least 10 staff members and volunteers receive on-going training in gender analysis in the context of ISPF accountability and data collection
- 10-12 complaints filed to the police and military investigation authorities per month in the West Bank.
- 15-20 testimonies taken per month by the field team. Testimonies will reflect impact of settler violence on women and children, gender disaggregated data collected
- 1 annual data sheet produced per year to summarize the monitoring data
- 2 in depth-research reports and 2 datasheets revealing systematic flaws in law enforcement: exposing extend and nature of involvement of state-funded offenses; addressing settler violence from international perspective (Responsibility to protect)
- Exposure of link between failure of law enforcement and dispossession of Palestinians from their land.
- Increased information on impact of settler violence and law enforcement failures on women and children in the WB
- Policy and decision makers in Israeli government and abroad address issue of law enforcement on settler violence
- Formulation of analysis and recommendations based on identified systematic failures in victims access to justice
- One updated datasheet per year examining developments in military law enforcement
- Exchange on good practices on how to perform gender analysis in the context of ISFP accountability and data collection
- At least one quarterly coordination meeting between the field departments
- At least one monthly coordination meeting between the advocacy departments of each organization
- Number of cases referred

4. METHODOLOGY

The contract will include all the cost related to the above-mentioned activities as:

- Field researchers salaries
- Transportation costs
- Communication costs

5. REPORTING REQUIREMENTS

The consultant or organization will submit the following reports in English:

- Number of cases testimonies collected
- Data sheet
- Research publications
- Reports
- Media records
- General report including good practices to exchange
- Number of volunteers and staff members trained and topic and materials used

6. RESPONSIBILITIES AND ROLES

Of Nova:

- Coordinate with the local partners
- Receipt, analysis and approval of the summaries and reports
- Provide project information and documents to the consultant.

Of the organization or consultant:

- Sign the consulting contract.
- Coordinate through Nova, with the local partners in the West Bank
- Preparation and submission of summaries of the different reports with annexes relevant to the work, as well as additional information about the process.

7. THE RESEARCH TEAM

The legal research services will include at least 2 field researchers with the following profiles and qualifications:

Common features:

- A solid experience and knowledge in IHL and IHRL.
- Experience in legal research and legal advocacy in the West Bank, especially on settler violence.
- Full working knowledge of English, Hebrew and Arabic
- At least one of the experts proposed should have solid knowledge of and practical experience with gender issues.

8. THE PROPOSAL SUBMISSION

The proposal must include:

- Experience of the institution or individual in the field of work.
- Work plan specifying timing of activities and outputs.
- CV of the specific field researches and the coordination team.
- Budget.

The main criteria for the evaluation of the proposal will be:

- Experience in the related activities (15 points)
- Coherence and coordination mechanisms established for the development of the different activities according to the outputs (15 points)
- Sustainability (10 points)
- Budget (10 points)

The proposal must be submitted by email by the 25th of August 2015 to admin@novact.org with the subject “**TOR Legal Research OPT**” and a jury formed by the Country representative, the Administrator and a member of the coordination team of NOVACT will evaluate the proposal received and will request some clarifications by the 28th of August 2015 and communicate the final decision by the 4th of September 2015.