

*Call for Expression of Interest and Proposal for providing legal aid services tailored to the legal needs of refugees and asylum-seekers in Ghana*

**Purpose of this call for expression of interest**

The purpose of this call is to solicit the interest and proposal of prospective or existing organizations/agencies who wish to participate in the UNHCR led operations in Ghana as well as contribute complementary resources (human, financial or in-kind resources) into humanitarian and development work in order to achieve common and agreed objectives undertaken through a small-scale framework of cooperation.

**Brief background of the project**

**Overall operational context :**

As of 1<sup>st</sup> July 2016, Ghana hosted 16,409 refugees and 2,048 asylum-seekers totalling 18,457 persons of concern (hereinafter referred as to PoCs). Of these, approximately 48% are female. The top nationalities of PoCs are Ivorians, Togolese, Liberians, Sudanese, and Central African Republic. The majority of Ivorian refugees are living in one of the three camps located in Central, Western and Brong Ahafo Regions (Egyeikrom, Ampain and Fetentaa). Krisan camp also located in the Western Region also hosts about 800 refugees of various nationalities. Other PoCs live in urban and semi-urban areas, mainly Accra including Kasoa. This includes about 3,000 refugees of Togolese origin living in the Volta Region, particularly in Aflao and other Ivorian refugees living mainly in the Greater Accra Region. More than 8,000 refugees have been living in Ghana for protracted periods of time.

Ghana is a party to the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. Ghana has also acceded to the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa. Ghana has enacted the Refugee Act in 1992 (P.N.D.C. 304 D) which serves as the foundational national framework outlining the responsible national body for PoCs and outlining the rights and obligations towards refugees and asylum-seekers in Ghana. The Ghana Refugee Board (hereinafter, GRB) is responsible for adjudicating 1<sup>st</sup> instance asylum applications, providing documentation and ensuring protection to refugees as enshrined in the Refugee Act.

The United Nations High Commissioner for Refugees (hereinafter, UNHCR) is mandated to assist States to provide international protection to those in need and support durable solutions for refugees. UNHCR also has a mandate to provide protection to stateless persons and prevent situations of statelessness. Following the Regional Ministerial Conference on statelessness jointly held by ECOWAS and UNHCR from 23-25 February 2015, Ghana also has signed the Abidjan Declaration of Ministers of ECOWAS Members States on Eradication of Statelessness. In that context, Ghana has pledged to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness by the end of 2016.

In Ghana, the Legal Aid Scheme provides legal assistance and representation to the indigent persons, including refugees and asylum-seekers who meet the socio-economic eligibility criteria for benefiting from this legal assistance. While access to legal assistance is guaranteed by the Ghana Constitution and the Legal Aid Scheme Act 1997 (Act 542), in practice, PoCs continue to face challenges in effectively accessing legal assistance, particularly legal representation to Court, tailored to their legal needs. Access to the services of a lawyer for legal representation, even if commercial fees have been waived, implies subsequent logistical costs for hearing and preparation of proceeding and other related steps, which PoCs cannot afford.

**Overall objectives of the project :**

The Representation Office of the UNHCR in Ghana seeks to establish a sustainable framework of cooperation with a national organization providing free and quality legal aid services to refugees and asylum-seekers in Ghana. Access

to qualified legal aid services through the assistance of lawyers, legal counsellors and case follow-up is critical for guaranteeing the effective enjoyment of rights by refugees and asylum-seekers in Ghana, in line with the international, regional and national legal frameworks as well as the international protection regime.

Access to legal services, and in particular (re)-establishment of nationality documents is critical to assist refugees in achieving durable solutions and legal empowerment in the host country, Ghana. It will also support strengthening governance in Ghana and facilitate meeting its national and international obligations with respect to refugees and commitments under the Abidjan Declaration on Eradication of Statelessness, and Recommendations No. 57-61 of the Conclusions of the Ministerial Conference on Statelessness in the ECOWAS Region from 23-24 February 2015.

Recognizing that refugees and asylum-seekers have legal needs covering many areas of assistance (including family, child protection, labour and employment, land tenure and others), the Legal Aid Services sought by the Legal service provider will be mostly in three main areas:

- i) individualized advice, assistance, and legal representation to asylum-seekers concerning their applications for refugee status, including the preparation of appeals against negative first-instance decisions;
- ii) individualized support towards identifying and achieving long-term legal solutions, considering personal circumstance of the PoCs (assistance with applications for naturalization and/or indefinite residence status coupled with support for (re)-constituting proof of nationality to prevent situation of statelessness arising from prolonged exile); and
- iii) Legal advice and representation to Court for effective legal remedies on issues relating to the rights of refugees including reparations of violations of human rights particularly for cases of Sexual and Gender Based Violence (SGBV), and Child Protection.

The prospective partner will be provided with adequate training, guidance and support by UNHCR Ghana, and will be capacitated for 2 years. Subsequently, it is expected, however, that the prospective partner will be able to continue to provide the legal services to refugees and asylum-seekers independently and in a sustainable manner after the said period.

**Overall requirements :**

The prospective partner will be expected:

- To submit regular monitoring reports to the UNHCR, including mid-term progress reports as well as an annual report detailing project progress and achievement of results as contained in the Project Partnership Agreement.
- To ensure participatory and age gender diversity mainstreaming programme design and implementation that takes into account the needs and aspirations of the Government of Ghana, UNHCR, refugees, host communities and other key stakeholders;
- To ensure that the sector design and implementation responds to gender equity and equality, environmental conservation and rehabilitation as well as to other needs relating to prevention and response to Sexual and Gender Based Violence (SGBV);
- To ensure that the interest of all refugees, especially refugee women, children and persons with specific needs are taken into account in programme design.

**Partner Profile :**

The prospective partner will have a multi-functional team of legal counsellors, lawyers, and support staff. The legal service provider will have, or be able to ensure, national coverage in order to provide the Legal Services to PoCs in the main areas referenced above, including urban and rural services with possible mobile teams going to the main

refugee hosting areas.

The Legal service provider should have close ties and work in coordination with the Ghana Bar Association, *Pro Bono* Lawyers Networks, and legal clinics (NGOs) and be adept at liaising with licensed lawyers in good standing who are registered with the national courts system.

Experience in Refugee law, Immigration law, Citizenship laws, Conflict of Laws, and civil registration as well as familiarity with international protection regimes is highly desirable. Qualified experience in other legal areas such as Criminal Law, Family Law with focus on Child Protection as well as knowledge in Civil law are great assets.

Furthermore UNHCR partner with organizations that are committed to:

- i. Common humanitarian goals;
- ii. The core values of UNHCR and the United Nations;
- iii. The Principles of Partnership; and,
- iv. Good governance, including transparency, accountability and sound financial management.

Upon fulfilling the profile criteria described below, the prospective partner may be eligible for a strong working relationship with UNHCR.

**Selection Criteria:**

The prospective partner should ensure the following:

**Legal expertise and experience in working with deprived people:** The selected partner will possess the required sector specific skills, expertise, knowledge and human resources.

**Local experience and presence:** On-going programmes in the area of operation, trust from local communities, local knowledge as well as engagement with refugees and other persons of concern will be an added advantage. The selected partner will need to demonstrate a coherent policy on community relations, complaint mechanisms for PoCs and other factors that would facilitate access to and better understanding of the PoCs which would reduce administrative difficulties.

**Contribution of resources:** The selected partner must demonstrate its ability to contribute resources to the Project in cash or in-kind (e.g. human resources, supplies and/or equipment) in order to supplement UNHCR resources.

**Project management:** The selected partner will have the ability to deliver project objectives, accountability mechanisms and sound financial management, taking into account the audit results of the previous UNHCR-funded projects, past performance and the external audit of partners' financial statements, where applicable.

**Cost effectiveness:** The level of direct costs and administrative costs incurred on the Project in relation to project deliverables should not exceed 30%.

**Previous experience working with UNHCR:** Knowledge of UNHCR policies, practices and programmes, including an understanding of and ability to work within UNHCR's funding limitations, and associated inherent risks will be an added advantage. Partners that have three consecutive qualified audit opinions for UNHCR-funded projects may not be considered.

**Duration :**

One year renewable (starting from January 2017 to December 2017) and renewable in 2018 subject to satisfactory performance

**Expected Outcomes :**

Expected outcomes in relation to the three main areas of legal Services are:

- i) **Legal assistance in the National Refugee Status Determination Procedure (RSD)**

The prospective partner will:

- a. Familiarize themselves with the criteria for refugee status determination under Ghanaian legislation and the international conventions to which Ghana is a party and participate in training workshops organized by UNHCR and other stakeholders;
- b. Liaise with other national organizations and bodies engaged in refugee status determination in Ghana, including the Ghana Refugee Board, the Ministry of Interior, UNHCR and others, as required;
- c. Provide individual counselling and legal assistance including case follow-up and, where needed, representation to asylum-seekers in all aspects related to their application for refugee status before national authorities, and;
- d. Provide individual counselling and legal assistance to asylum seekers in order to prepare appeals against negative first-instance decisions and where needed, legal representation before the competent authorities and courts.

**ii) Assistance in Achieving Legal Solution Pathways for Refugees (including assisting with legal aspects of local integration in Ghana)**

The prospective partner will:

- a. Familiarize themselves with the durable solutions available through the national and regional legal and policy frameworks and participate in training workshops organized by UNHCR and other stakeholders;
- b. Provide individual counselling to PoCs regarding the legal solutions options available to them, in the light of their individual circumstances (including rules of acquisition of nationality, requirements for obtaining a nationality proof from their country of origin, legal information about the process and application requirements for acquisition of Ghanaian nationality etc.);
- c. Assist in the preparation of individual applications for their alternative legal status in Ghana: either Indeterminate Residence Status or Naturalization, including enhancing individual data collection in a special registration system, and compiling individual documents for submissions of an application, submitting the applications, following-up with the appropriate relevant authorities, and facilitating access to an efficient and timely legal solution;
- d. With the support of UNHCR and government counterparts, facilitate the issuance of nationality documents for locally integrating refugees (initial group primarily comprises PoCs of Togolese origin), including when necessary, through obtaining and providing evidence of an individual's nationality (e.g. through proof of parentage, existing civil status and other individual documents, legal information relevant to nationality of the country of origin, and interviews verifying individuals' background information, and/or support to conduct the transcription process of birth certificate established outside the country of origin).

**iii) Legal Assistance in primarily Criminal and Family law including Sexual and Gender Based Violence (SGBV) and Child Protection Matters (Custody, Guardianship, Maintenance allowance)**

The **for providing legal aid services tailored to the legal needs of refugees and asylum-seekers in Ghana** will:

- a. Familiarize themselves with the needs and circumstance of PoCs in camp and in urban areas by participating in training sessions by UNHCR and other stakeholders;
- b. Upon referral by UNHCR, provide quality legal advice to PoCs facing complex legal issues in particular involving justiciable claims related to Sexual Gender Based Violence (SGBV), child protection matters, criminal law, and/or detention;
- c. Upon referrals of UNHCR, provide quality legal assistance to PoCs (primarily in criminal law, including SGBV, protection, and child protection including issues of custody or detention) through legal representation in Court and in preparing cases for trial with an ultimate aim to end impunity for criminal actions in Ghana involving refugees.

**Date of closure: Tuesday 25 October 2016 at 5.00 pm (GMT).**

**Practical information :**

Any interested organization or agency that deems itself eligible to perform (in accordance with the above criteria, the proposed objectives and expected outcomes) in the area of legal assistance is encouraged to send its expression of interest and proposal. A standard concept note is required to be completed.

The **standard UNHCR concept note template** will be provided upon request to all interested organizations. A request for the template can be made to the following UNHCR Ghana email address: [ghaac@unhcr.org](mailto:ghaac@unhcr.org)

Kindly note **the deadline for the submission of the Concept Note to UNHCR Representation in Ghana is Tuesday 25 October 2016 at 5.00 pm (GMT).**

Any interested organization or agency is encouraged to submit their concept note either

by email to :  
[ghaac@unhcr.org](mailto:ghaac@unhcr.org)

or  
by private mail :

*United Nations High Commissioner for Refugees ( UNHCR), Ghana  
16 Labone Drive, 4<sup>th</sup> Dade Walk, North Labone, Accra  
UNHCR, PMB, KIA –*

*Issuing UNHCR Office: UNHCR Branch Office, Accra, Ghana*

*For Further information: Please contact : [ghaac@unhcr.org](mailto:ghaac@unhcr.org)*