

# EVALUATION OF THE UNDP RULE OF LAW AND ACCESS TO JUSTICE OUTPUT IN MYANMAR

## FINAL EVALUATION REPORT

June-August, 2016

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## LIST OF ACRONYMS AND ABBREVIATIONS

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CPAP	-	Country Program Action Plan
CSOs	-	Civil Society Organisations
the evaluation	-	Evaluation of the Rule of Law and Access to Justice Output
the Supreme Court	-	Office of the Supreme Court of the Union
the Output	-	Rule of Law and Access to Justice Output
the Unit	-	Policy and Planning Unit, Union Attorney General's Office
ToR	-	Terms of Reference
UAGO	-	Union Attorney General's Office
UN	-	United Nations
UNDP	-	United Nations Development Programme

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## DISCLAIMER

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The views expressed in this report are those of the authors and do not necessarily reflect the position of the United Nations Development Programme or any other party. We trust, however, that the report offers constructive recommendations for future support to justice sector reform in Myanmar.

## MAP OF REPUBLIC OF THE UNION OF MYANMAR<sup>1</sup>



Map No. 4168 Rev. 3 UNITED NATIONS  
June 2012

Department of Field Support  
Cartographic Section

<sup>1</sup> Source: [www.un.org/Depts/Cartographic/map/profile/myanmar.pdf](http://www.un.org/Depts/Cartographic/map/profile/myanmar.pdf)

## BASIC OUTPUT DATA

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<b>Country:</b>	Republic of the Union of Myanmar
<b>Output Name:</b>	Rule of Law and Access to Justice Output
<b>Field/Team Presence:</b>	National level (Nay Pyi Taw); Mandalay Region (Mandalay); Shan State (Taunggyi); Kachin State (Myitkyina); and Yangon Region (Yangon).
<b>Key Output Partners:</b>	Office of the Supreme Court of the Union Union Attorney General's Office Ministry of Home Affairs; Police Force Parliament (Rule of Law, Human Rights Committees) University Departments of Law
<b>Output Team Leader:</b>	Ms. Mascha Matthews, United Nations Development Programme
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<b>Evaluation Team Members:</b>	Mr. Lorenz Metzner (Team Leader); and Mr. Sai Tun Thiha (Team Member)

### Key Output Dates:

Myanmar Country Programme Document Design: 2012  
Myanmar Country Programme Document Period: January 2013-December 2015  
Extension of Country Programme Document: January 2016-December 2017

### Output Resources:<sup>2</sup>

**2013: USD 1,250,000**  
(Core Funding: USD 750,000 + Non-core Funding: USD 500,000)

**2014: USD 2,190,000**  
(Core Funding: USD 740,000 + Non-core Funding: USD 1,450,000)

**2015: USD 3,050,000**  
(Core Funding: USD 670,000 + Non-core Funding: USD 2,380,000)

**2016: USD 3,000,000**  
(Core Funding: USD 550,000 + Non-core Funding: USD 2,450,000)

**2017: USD 3,000,000**  
(Core Funding: USD 550,000 + Non-core Funding: USD 2,450,000)

**Total available resources over 5 years: USD 12,490,000**  
(Core Funding: USD 3,260,000 + Non-core Funding: USD 9,230,000)

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<sup>2</sup> As per the revised *Results and Resources Framework*, dated November 2015.

## EXECUTIVE SUMMARY

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### A. Context for the Myanmar Rule of Law and Access to Justice Output

1. After more than 50 years of military rule and isolation from the international community, a new *Constitution of the Republic of the Union of Myanmar* was adopted in May 2008, which paved the way for parliamentary elections in November 2010 and by-elections in April 2012. This commenced the transition from military to civilian rule, and was the first step in an on-going series of rapid and far-reaching political and economic reforms that continue today. It is within this transitional context in 2012 that the Myanmar Country Programme and the scoping of the *Myanmar Rule of Law and Access to Justice Output* (the Output) were undertaken.
2. In 2013, a United Nations Development Programme (UNDP) mapping study confirmed the commonly asserted challenges: of the near absence of public confidence in justice institutions and the legal profession due to widespread corruption, political influence, and arbitrary enforcement and interpretation of laws that were outdated and unfair; that members of the community, particularly marginalised or poor groups (including victims of gender-based violence), seek remedies outside the formal justice system; and that there were endemic leadership, planning, institutional performance and individual capacity challenges resulting from decades of neglect and oppression of justice sector actors.
3. Since that time, expectations for change amongst Myanmar's people have taken root. These were reinforced in November 2015 by the results of the nationwide elections, with the new government identifying rule of law and judicial reform as a major priority area. It is within this context, and to address these challenges, that the Output being evaluated operates.

### B. Purpose of this Evaluation

4. The evaluation has two principal objectives to:
  - assess the success (or otherwise) of the Output and its activities against the defined criteria - relevance, effectiveness, efficiency, sustainability, and impact; and
  - provide recommendations for future support - both during the remaining Output period to end-2017, and for potential justice reform support post-2018.

### C. Key Findings

1. The evaluation's findings have been developed following the: i) completion of the in-Myanmar mission (27 June-8 July, 2016), that included a range of interviews and group discussions with: government officials, national partners / counterparts, recipients of the Output's support, community and civil society organisation representatives, development partner representatives, UNDP Myanmar management and staff, advisers and consultants; ii) an analysis of available documentation and reports developed by and relating to the Output; and iii) analysis of the data collected in light of the evaluation team's technical expertise and experience.
2. The evaluation concluded that the Output and its activities have been **relevant**. Progress has been made in collaboration with counterparts, with incremental steps towards justice sector



reforms being realised.<sup>3</sup> High-levels of responsiveness have been needed on the part of the Output to adapt to the fluid and quickly changing implementation context - this has necessitated the progressive refinement of vision, targets, and activities. This responsiveness and the refinements made are seen as having been both necessary and relevant. They have, however, resulted in a broad diversity of activities which has been observed by stakeholders as in resulting in reforms being somewhat 'shallow' or requiring further embedding within partner institutions.

3. The Output was seen as being **effective**. A range of positive changes has resulted from the Output's: policy-level engagement and the relationships developed at the Union-level; awareness raising, engagement and consultation / dialogue activities; the technical support provided; and the capacity building, training and south-south initiatives that have been implemented. Change, however, is still fragile. Longer-term, coordinated support across the justice sector and between implementing organisations / donors is required to 'deepen' and embed initial results and improvements in change management capacity.

4. Analysis of available finances shows that service delivery as against management costs indicates that the Output has been **efficient** at the financial level, though some gaps exist in the available figures. Further, flexibility in the re-/allocation of resources, longer-term involvement of key technical team members, internal and external partnerships, and use of south-south cooperation strategies were also seen as benefiting efficiency. A number of areas of inefficiency were also identified, with an area of significant concern being that funding allocations do not align with the duration of proposed activities; resulting in inefficiencies and the potential to negatively impact overall development effectiveness.

5. Given the timing of the evaluation, it is too early to assess **sustainability** in absolute terms. Progress is being made in a number of areas towards interventions being sustainable in the medium-term. Positive levels of ownership have been noted by national partners. Openness to engage in dialogue on justice reform is an ideal platform on which to develop future engagement strategies that further strengthen ownership by facilitating counterparts to become more active in leading, directing, and managing in the reform process.

6. While there is evidence of change, it is not possible to identify **impact** on beneficiaries at the time of the evaluation. Substantial progress has been made, and advocacy efforts have begun to increase awareness, recognition, and protection of human rights - in particular for vulnerable groups. Given the magnitude of needs in Myanmar, however, ongoing long-term support is required for comprehensive reform impacts to be achieved.

7. Other significant findings are that:

- High-levels of trust exist between UNDP, its counterparts, stakeholders, and partners that has enabled positive levels of engagement and ownership to be achieved.
- UNDP has a 'comparative advantage' or broadly acknowledged capacity to engage effectively in a range of areas relevant to endeavours in the justice sector, and these areas should frame the scope of any future support to justice sector reform in Myanmar.
- Output-initiated change is still fragile and that continued, and where possible expanded, investment in supporting key change agents is needed to embed change and develop local change management capacity.
- The significant revisions and refinements made to the scope of the Output as improved

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<sup>3</sup> For example: the Supreme Court / UAGO strategic plans, opening dialogue on justice reform, consultations with CSO participation on new laws; and opening up of universities to a new legal education methodologies.

data became available to UNDP were considered appropriate in view of the need to maximise relevance and to set realistically achievable targets. The targets in the revised Results and Resources Framework, however, are seen as being largely input or process focussed and not results-focussed.

- Limited information and no extant counterpart relationships at the time of developing the CPAP and early in implementation of the Output, resulted in no comprehensive Output design being developed that provided a clear development / change logic to inform, structure, and ultimately evaluate interventions and results.
- More rigorous monitoring of activities and evaluation of intermediate results during implementation was seen as an area where additional work would have been beneficial.
- Advocacy efforts have started to show some increase in awareness and understanding of issues relating to vulnerable groups, though change is still limited.

## D. Recommendations

8. The Recommendations developed were forward looking and focus on: i) the current Country Program Action Plan (to end-2017); and ii) potential justice sector support (post-2018).
9. Recommendations for the Current Country Programme Action Plan (to end-2017) include:
  - *Maintain current focus:* with less than 18 months of implementation remaining, Output support should largely remain as currently planned.
  - *Further develop a partnership approach:* by expanding efforts to undertake collaborative forward planning of activities with counterparts at the institution-level.
  - *Build on existing justice reform dialogue:* to further support national counterparts to engage in relevant, responsive, and coordinated justice sector reforms, and potentially engage in a broader dialogue to facilitate the development of a unified vision for justice sector reform.
10. If refinements to the scope of further support under the Output are needed, such changes should be undertaken in light of the following recommendations:
  - *Prioritising support:* to those activities that can be embedded effectively over the remaining Output period so that sustainability is maximised.
  - *Maximising continuity:* by supporting incomplete activities, or activities where sustainability is still seen as being fragile, where additional support to end-2017 will enable the completion of the proposed work.
  - *Maximising potential for change:* resulting from the Rule of Law Centres initiative by: undertaking a results/change-focussed assessment at completion; and exploring the potential to establish a whole-of-sector steering committee to guide and promote inclusive participation in the Centres' activities.<sup>4</sup>
  - *Further strengthen the focus on human rights / vulnerable groups' issues:* by analysing the activities that will receive ongoing support to end-2017 to maximise opportunities for focussing on these issues.
  - *Maximising 'replicable' activities:* while ensuring that relevance and usefulness are not negatively impacted upon.

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<sup>4</sup> It is noted by the evaluation team that initial steps have been undertaken by the Output to establish a steering committee. To maximise its value and counterpart engagement, co-chairing between the Supreme Court and the UAGO is seen as being critical (see also the discussion in *Recommendation 6*, below).



11. Recommendations for future justice reform support (2018 onwards) include:
- That a *comprehensive, participatory, and data-driven design process* is undertaken to structure and plan any future UNDP support to justice sector and that such a design process takes into account the following additional recommendations:
  - To *evolve the strategic rationale for engaging with the justice sector in Myanmar* to be more outward looking and focussed on enabling justice (a ‘fair’ society in Myanmar) *as an end in itself*, and not merely as a component, or enabler, of democratic governance activities. This would be a fundamental conceptual shift towards a more explicit ‘service focus’ with success being measured in light of actual changes in the *quality, accessibility, and fairness of justice services for all people in Myanmar*.
  - *Initiate a two-step design process taking into account timeframes and available resources* by: developing a brief ‘Concept Note’ to define the high-level strategic architecture, scope, and results of future justice sector support as part of the Country Programme development process; and undertaking a *comprehensive and participatory justice sector support project design* as the first costed justice-focussed activity post-2018.
12. Recommendations to inform future justice reform support are that it:
- Focusses on *UNDP’s areas of ‘comparative advantage’* so that support is targeted by a more strategic approach framed by UNDP’s strengths.
  - Continues to *invest in key change leaders and relationships* to further develop relationships; deepen support; and strengthen ownership of the reform.
  - Adopts a *long-term view of justice sector reform* to enable ‘cultural shifts’ to occur after decades of military rule and longer-term ‘whole-of-system’ approaches to be adopted.
  - Supports ongoing *research and data collection* into key justice issues.
  - *Continues to enable innovation* by supporting the development, testing, and refinement of new implementation strategies and approaches.
13. Further recommendations focus on refinements to the programme management approach for any future support to:
- Maximise *responsiveness and flexibility* during implementation, while ensuring strategic focus is maintained.
  - Introduce more *structured phasing of support* in light of defined strategic outcomes to better take into account institutional limitations and constraints with respect to absorption capacity.
  - Undertake more *rigorous monitoring and evaluation* so that managers are able to better track and report on activities and results.

## **E. Key Lessons**

14. Key lessons that have been learned from the implementation experience to-date include the: value of investing in counterpart relationships; importance of participation and ownership throughout planning and implementation; importance of responsiveness and flexibility in implementation to ensure relevance and effectiveness; necessity of a strong design that clearly aligns programmatic structure, theory of change, and activities; and importance of realistic and measurable results-focussed targets that are tracked and reported against.

## 1.0 INTRODUCTION

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### 1.1 CONTEXT

15. After more than 50 years of military rule and isolation from the international community, a new *Constitution of the Republic of the Union of Myanmar* was adopted in May 2008, which paved the way for parliamentary elections in November 2010 and by-elections in April 2012. This commenced the transition from military to civilian rule, and was the first step in an on-going series of rapid and far-reaching political and economic reforms that continue today. It is within this transitional context that in 2012 that the United Nations Development Programme (UNDP) Myanmar Country Programme and the scoping of the *Myanmar Rule of Law and Access to Justice Output* (the Output) were undertaken.

16. Ethnic conflict and high levels of political repression had racked Myanmar for more than 60 years, during which largely state-sponsored human rights violations became routine.<sup>5</sup> Decades of neglect and oppression resulted in the justice sector facing significant challenges. The 2013 UNDP mapping study confirmed commonly expressed assertions: of the near absence of public confidence in justice institutions and the legal profession due to widespread corruption, political influence, and arbitrary enforcement and interpretation of laws that were outdated and unfair; and that members of the community, particularly marginalised or poor groups (including victims of gender-based violence), seek remedies outside the formal justice system.

17. Additional challenges facing the justice sector included: no clear policy vision and leadership on justice sector issues and limited coordination between justice sector institutions; limited understanding of the rule of law and human rights concepts; no understanding of how civil society and justice institutions interact within the democratic space; significant legislative reform needs; the nascent peace process/political dialogue that is likely to have attendant transitional Justice and victims' claims issues; antiquated institutional systems and process and low-levels of individual capacity; obsolete methods to legal education and approaches to ongoing professional development; and limited availability of data and no real data-driven management.

18. Over time, expectations for change amongst Myanmar's people have taken root. Many are demanding improved livelihoods, access to better services, and greater political inclusion. The expectations for change were reinforced in November 2015 by the results of the nationwide elections and the overwhelming victory of the National League for Democracy. The new government has already identified rule of law and judicial reform as a major priority which opens the door for more significant progress to be made on both structural and operational reforms in the justice sector, including in the areas of legal aid and judicial independence and accountability.

19. It is within this context, and to address these challenges, that the *Rule of Law and Access to Justice Output* operates. The Output has sought to build institutional relationships through which to open conversations about making justice service delivery more functional, accessible and fair. UNDP's assistance to the justice sector to-date has been structured around the key areas of: planning and coordination for a justice sector reform strategy that ensures access to justice for vulnerable groups; improving government recognition of the need for adequate participation from those affected to ensure laws respond to public needs; and equipping judicial officials and law officers with the skills and tools they need in order to administer justice in accordance with international human rights standards.

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<sup>5</sup> International Center for Transitional Justice, *Navigating Paths to Justice in Myanmar's Transition* (June 2014).

## 1.2 THE OUTPUT TO BE EVALUATED

20. The Myanmar Country Programme Action Plan (CPAP) was designed in 2012. The CPAP focussed on the provision of support across three pillars:

- *Pillar One:* Local Governance
- *Pillar Two:* Environmental Governance and Disaster Resilience
- *Pillar Three:* Democratic Governance

21. The Output was developed as Output 3 of Pillar Three of the CPAP,<sup>6</sup> with the objective defined as: *“Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups.”*

22. To achieve this objective, assistance to the justice sector under the CPAP was structured around five key results areas or sub-outputs:

**Sub-output 1:** Strengthened institutional capacity of the justice sector to formulate, implement and coordinate a comprehensive (nationally-owned, multi-stakeholder, gender responsive and rights- driven) policy and strategy for the justice sector.

**Sub-output 2:** Enhanced capacity of justice actors for the development of a justice system that upholds the rule of law, protects human rights, promotes gender equality and improves access to justice, including through laws and regulations that are in conformity with the Constitution and international human rights standards (and with the Conventions that Myanmar ratified).

**Sub-output 3:** Increased service delivery at the local level focusing on the rights of women and the rights of the most vulnerable, in target States/Regions and in selected townships.

**Sub-output 4:** Empowerment of women and vulnerable groups in selected pilot States/Regions to claim and have their rights adjudicated and grievances remedied.

**Sub-output 5:** Ethnic groups in cease fire and border areas have increased knowledge of their rights and are better able to access and benefit from expanded justice remedies.

23. In 2015, as part of the extension of the CPAP to the end of 2017, the five sub-outputs were refined into three ‘focus areas’:

**Focus area 1:** Coordination Capacity

**Focus Area 2:** Training and Capacity Development

**Focus area 3:** Expanding Access to Justice

24. Activities under these three focus areas have been, and continue to be, implemented: at the Union-level with the central government institutions in Nay Pyi Taw and Yangon; and in three pilot States/regions - Mandalay Region (Mandalay), Shan State (Taunggyi), and Kachin State (Myitkyina). In late 2015, the first phase of an access to justice mapping of formal and informal justice systems was commenced in Rakhine state.

## 1.3 PURPOSE OF THE EVALUATION

25. The evidence and information generated from this evaluation will enable UNDP managers to: make informed decisions and plan strategically for improvements, expansion, or downsizing

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<sup>6</sup> Note: a comprehensive mid-term Evaluation of the CPAP as a whole was undertaken in mid-2015, and can be found at: <https://erc.undp.org/evaluation/documents/download/9287>.

of future support; promote knowledge generation about UNDP's work in rule of law and access to justice; and ensure accountability of results and resources.

26. To generate this data, the evaluation:

- analysed the results achieved to-date by UNDP's assistance in the area of rule of law and access to justice in Myanmar;
- identified problems / constraints that were encountered in implementing the Output;
- identified important lessons to be learned from UNDP's experience; and
- made recommendations for the remainder of the Output-cycle as well as for UNDP's next country program.

## 1.4 EVALUATION APPROACH AND METHODOLOGY<sup>7</sup>

27. The evaluation is intended to provide the UNDP with an objective assessment of its work under the Output. The assessment will be undertaken against five key criteria, as noted in the terms of reference (ToR): relevance; effectiveness; efficiency; sustainability; and impact.<sup>8</sup>

28. The contracted ToR (attached in **Annex Two**) detail the scope of work and level of resources allocated to this assignment. The duration of the evaluation is short; totalling 25 input-days. These inputs cover: planning; preparations; a comprehensive document review; a two-week in-Myanmar mission; development of an exit briefing; and development of an Evaluation Inception Report, a Draft Evaluation Report, and a Final Evaluation Report.

29. The approach adopted is informed by the available timeframes. A strengths-based approach was adopted to ensure that lessons were framed in a way that is constructive and useful to UNDP and its counterparts. The Team ensured that the evaluation's activities: meet with the Standards for Evaluation in the United Nations (UN) System; were informed by the UNDP Handbook on Planning, Monitoring and Evaluating for Development Results; and complied with the United Nations Evaluation Group Code of Conduct for Evaluation in the UN System.

30. Four key data sources<sup>9</sup> were used as the basis for data collection and subsequent triangulation of evaluation results. These were:

- Output document review* - documents prepared by the UNDP / implementing partners and used to provide evidence against the evaluation criteria. A list of all documentation reviewed is found in **Annex One**, at page A-11).
- Semi-structured Interviews* - conducted using a number of standardised questions designed to elicit responses that address the evaluation criteria and to solicit the informed reactions and insights of interviewees.<sup>10</sup>
- Discussions* - used open questioning techniques to elicit more qualitative and contextualised information from interviewees. In discussions, the evaluation team

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<sup>7</sup> Further details are found in the approved *Evaluation Inception Report* attached as **Annex One**.

<sup>8</sup> As noted in the approved *Evaluation Inception Report* (see **Annex One**, at page A-3) and in UNDP briefings, it is premature to assess *impacts* (i.e. long-term change) resulting from the Output as implementation is ongoing and insufficient time has elapsed since the commencement of implementation.

<sup>9</sup> A fifth data source, an evaluation survey (see **Annex One**, at page A-12) was also developed, but only limited use of this tool was made (see also the discussion on the following page, *paragraph 34*).

<sup>10</sup> *A List of Consultations During the in-Myanmar Mission* is attached in **Annex Three**.

ensured that gender and cultural considerations were taken into account in structuring / organising these interactions.

- iv. *Review of additional data / reports* - from other sources, research, and international data (where available) to provide additional perspectives on the context relating to rule of law, access to justice, and women / vulnerable groups in Myanmar.

## 1.5 LIMITATIONS TO THE EVALUATION

31. The evaluation was limited by a number of factors, which were addressed using a practical approach. Baseline data collection and analysis was limited - largely due to the context and availability / accessibility of data at the time of mobilisation. Additionally, monitoring of activities and intermediate results against defined targets were also not systematically undertaken. Monitoring and evaluation data, to the extent that they were available, were used to support the conclusions reached in this report. Some additional detailed information requested was not available / could not be provided to the evaluation team (in particular regarding activities undertaken and detailed Output finances). Accordingly, the evaluation and the conclusions drawn in it relied more heavily on the available documentation and on the data collected in the consultations.

32. Limited lead-times prior to mobilisation for the in-Myanmar mission resulted in the need to: progressively refine the list of consultations over the course of the mission; and schedule a number of interviews at short notice. This undoubtedly placed an additional burden on the UNDP Rule of Law Team and made it difficult for the evaluation team to balance workloads during the mission.

33. Overall time constraints for the assignment resulted in the evaluation team not being able to visit all key implementation areas (a situation specified from the outset in the ToR). Phone interviews were undertaken in implementation locations where travel was not possible, however, these consultations were necessarily very limited resulting in it not being possible to comprehensively assess changes in those locations.

34. Additionally, an evaluation survey developed to complement other data gathering methodologies, and to potentially access a greater number of counterparts, was not able to be distributed. Given the implementation context, the evaluation team was informed that significant advance notice is required to obtain approval to distribute such things as surveys. As it was outside of local protocol arrangements - and thereby potentially harmful to UNDP relationships to consider an informal distribution of the survey - the survey was not used.<sup>11</sup>

## 2.0 EVALUATION AGAINST CRITERIA

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35. The following assessment is structured around the key questions in the ToR defined by UNDP for this evaluation.<sup>12</sup> It assesses the *outputs*, and to the extent possible, *outcomes*

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<sup>11</sup> The evaluation team was informed that in the local context 4-6 weeks' notice is required to obtain the necessary approvals from counterpart institutions to distribute a survey. Consequently, future contracting of consultants needs to take such extended approval-timeframes into consideration.

<sup>12</sup> The term 'Output' has been used to refer to the '*Rule of Law and Access to Justice Program*' in the contracted ToR. The sub-headings in Section 2.0 retain the wording used in the contracted ToR.

achieved over the implementation period by undertaking an assessment of the Output's relevance, efficiency, effectiveness, sustainability, and impact.<sup>13</sup>

## 2.1 RELEVANCE

### 2.1.1 To what extent is UNDP's work in rule of law and access to justice consistent with and responding to emerging national and local policies, priorities and needs of the intended beneficiaries?

36. A diverse range of activities have been implemented by the Output, with incremental steps towards justice sector reforms being made. Support has focussed on a range of areas, including: policy development; capacity development and training; awareness raising, dialogue, and community engagement; legal education; legislative drafting / development; and reform of systems and processes. This work has been undertaken within the overarching framework of the Output objective: *"Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups."*

37. At the outset of the Output no institutional or sectoral policy direction existed. Institutional systems were antiquated and focussed on promoting a 'silo-approach' to the provision of justice services, and individual capacity was low. This context made planning and design of reforms difficult. Feedback received on these early stages of the Output indicated that the context was extremely fluid and consequently the Output needed to be highly responsive to rapidly emerging needs. Consultations indicated that the support provided early in the implementation period responded well to initial needs, and hence was relevant to the justice context found in Myanmar at that time.

38. Over time, national-level institutions became more aware of their roles and responsibilities within the new political and social context which reached a watershed with the general elections held in November 2015. In response, significant policy-level support was provided by UNDP to two key counterpart institutions - the Supreme Court of the Union (the Supreme Court) and the Union Attorney General's Office (UAGO). This support culminated with the development and release of strategic plans for both institutions in late-2015 / early-2016. Given the objective to equip justice institutions *"...to develop and implement frameworks for justice sector reform..."* this key area of support is seen as being highly relevant.

39. The support provided to develop the Supreme Court and UAGO strategic plans is not only a matter of practical relevance - the ability of UNDP to engage with justice institutions in this manner is indicative of the high-levels of trust with which UNDP is held. This provided the opportunity to openly discuss justice needs and reform issues at the Union-level, which ensured that UNDP support was appropriately targeted, thereby, further maximising relevance.

40. Based on consultations and observations, relationships with justice institutions at the Union-level are the strongest. Feedback indicates that a key reason for this is largely due to the Chief Technical Adviser role. While this role has undoubtedly been a significant investment for the Output, it is seen as very relevant given the need to establish and maintain strong relationships with the highly centralised institutions administering justice in Myanmar.

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<sup>13</sup> Based on discussions with UNDP: *Outputs* relate to results for which the Output is directly accountable; *Outcomes* relate to higher-level result(s) to which the Output contributes; and *Impact* relates to long-term change (10+ years) resulting from the Output.



41. State / Region-level activities are principally directed from the Union-level. This notwithstanding, positive relationships have been established with selected counterparts in the three pilot areas. Feedback received on the activities implemented in the locations visited shows that these have been relevant and useful to counterpart needs. The approach to limiting interventions to Nay Pyi Taw, Yangon and three pilot locations is seen as: appropriate given the context found in Myanmar at the time implementation commenced; and pragmatic in light of resource constraints and limitations on the availability of local technical expertise.

42. To maximise ongoing relevance, however, support of a more comprehensive and participatory development needs identification process (relating to both institutional and individual needs) is seen as important. Only in this way will: centralised institutional planning processes be informed of actual performance and capacity gaps at all levels; the relevance of future support be maximised; and real change be possible.<sup>14</sup>

43. At the community-level key activities have included support to: Rule of Law Centres; community dialogues / training; round table discussions; and clinical legal education. While there was an opportunity to engage directly with the beneficiaries of these activities in only two of the four implementation areas, feedback received indicated significant perceived value. Given the nascent stage at which civil society's engagement in the justice sector is at, low-levels of awareness, and limited legal literacy - initial activities at the community-level are seen as being very relevant in building awareness of justice issues and the potential role civil society can play in the administration of justice.

44. Regarding the Rule of Law Centres, the Attorney General's recent support to enable UAGO law officers to actively engage with these Centres' activities is a strong indication of the perceived relevance of this community engagement approach. It is also indicative of a growing understanding on the part of justice sector institutions of the need to enable interaction between justice service providers and the civil society (justice 'users' in the broadest sense).

### 2.1.2 To what extent does this work respond to UNDP's corporate plans, the CPAP for Myanmar and to human development priorities of empowerment and gender equality issues?

45. Feedback indicates that the context within which the original Country Programme and CPAP (and hence the scoping for the Output) were developed in 2012 was one where limited information was available or accessible, relationships with counterparts were yet to be fully established, and the comprehensive identification of needs was not possible.<sup>15</sup> This context, therefore, impacted on the ability to scope and detail potential support under the Output.

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<sup>14</sup> Note: the evaluation team was informed that a 'Training Needs Assessment' was being planned. There would be significant benefit if such a process is broadened to be a comprehensive 'development needs' assessment that is institutionalised within counterpart organisations. Additionally, the process may also benefit from being widened to: be more inclusive and participatory of all justice sector actors; include the development of benchmarks; provide a rigorous analysis of both institutional (performance) and individual (capacity) needs / gaps; and prioritise these needs / gaps at the Union, State/Region, and local-levels.

<sup>15</sup> A more detailed discussion of the context and constraints experienced at the time of developing the Country Program and CPAP is found in the *Independent Midterm Evaluation of the Myanmar Country Programme - Country Programme Action Plan 2013-2017*, at page 24 ff.

46. Since that time, there has been a significant evolution in the implementation context, with the availability of data / information,<sup>16</sup> counterpart relationships, and justice sector attitudes to reform. This evolution has necessitated substantial - and at times fundamental - refinements in the Output's defined scope, strategic vision,<sup>17</sup> and results areas so that the Output was able to maintain relevance and be responsive to emerging needs.<sup>18</sup> These changes are seen as positive refinements that responded to the unique and quickly changing implementation context. The strategic rationale for refinements, however, is not clearly documented, and some changes at least seem to have been opportunistic in nature.

47. Feedback received indicates that UNDP's approach to implementation: allowed for progressive engagement with counterparts; led to the development of key strategic plans; supported the fundamental shift in attitudes within counterpart institutions relating to the need for change and reform; and supported awareness of rights and justice issues. This approach ensured the relevance of the Output to UNDP's strategic direction as articulated in the *Updated Program Narrative (2015-2017)*, namely:

*"...to contribute to poverty reduction and sustainable development in Myanmar by enhancing inclusive and responsive governance and the realisation of rights..."*

48. More broadly the Output's objective continues to be relevant to UNDP's strategic direction as most recently articulated in the *Strategic Vision for UNDP's Engagement in Strengthening Rule of Law and Access to Justice in Myanmar*. The Output and its activities also align with UNDP's global mandate and its principles of mainstreaming gender equality, inclusiveness, and human rights based approaches and more generally human development.

49. Notwithstanding, there is scope to further promote UNDP's global mandate in the Output's activities. Justice issues specifically relating to the *"...needs of diverse groups, especially women and vulnerable groups..."* remain largely unacknowledged by counterparts. There is some recognition of sexual and gender-based violence issues at the community-level as a result of the work of the Rule of Law Centres. More broadly, however, consultations undertaken highlighted that sexual and gender-based violence issues are not widely perceived as a significant or a priority justice issue. Efforts to undertake systematic research in these areas are being undertaken (by the Output through the *Access to Justice Research* studies carried out in Rakhine, Kachin and Shan [October 2015-November 2016] and other organisations), however, advocacy is made difficult as systematic research / data on sexual and gender-based violence in Myanmar is not currently available.

### **Conclusion:**

50. Maintaining relevance going forward will be UNDP's challenge. Given the context found in Myanmar over the last three years, UNDP has needed to respond reactively to emerging needs. This has resulted in interventions addressing the most immediate issues facing the justice sector and being broad-based. A range of positive initiatives have been undertaken under the Output that illustrate the ability of UNDP to provide relevant support that responds to counterparts' needs, including:

- policy-level engagement and the relationships developed at the Union-level - resulting

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<sup>16</sup> Including an Access to Justice Research Study in 2013.

<sup>17</sup> As articulated in the *Strategic Vision for UNDP's Engagement in Strengthening Rule of Law and Access to Justice in Myanmar (2015-2017)*.

<sup>18</sup> The analysis of the Output structure as defined in the CPAP and modified in the revised *Results and Resources Framework*, is found in **Annex Four**.

in the development of the Supreme Court and UAGO Strategic Plans and opening of a dialogue on the need for justice reform;

- awareness raising, engagement and consultation / dialogue activities - including civil society organisations' (CSOs) participation in legislative and legal aid consultations, and the development of Rule of Law Centres to bring justice sector actors together;
- the technical support provided - to support leadership and planning support, legislative drafting; data gathering, and monitoring and evaluation ability; and
- capacity building, training and south-south initiatives - that have supported English language and IT literacy, development of peer-to peer relationships and the opening up of universities to a new legal education methodologies.

51. Feedback received indicates that reforms, while relevant, are seen as being somewhat 'shallow'. To address this, longer-term, coordinated support across the justice sector and between implementing organisations / donors is required to 'deepen' and embed initial results. To maintain relevance and to enable change to be realised going forward, UNDP will need to respond to justice issues and reform needs in a more strategically focussed and rigorously planned way that enables counterparts to be more active in the planning and implementation process and allows for change to deepen and be institutionalised (see also the discussion in *Recommendation 13*).

## 2.2 EFFECTIVENESS

### 2.2.1 How effective have UNDP's strategies and activities been towards achieving the Program's intended results?

52. As noted above the context within which the Output was developed presented unique challenges to UNDP programming and design. Consultations highlighted that at mobilisation of the Output's activities there was no - or at least no accessible - information / data on the justice sector and counterpart capacity was severely limited.

53. This resulted in programming being undertaken in parallel with implementation; namely experience gained and relationships developed during the implementation of initial activities provided data to inform and refine programmatic decision-making.<sup>19</sup> This resulted in the situation that no comprehensive *design* has been developed. While the CPAP and the Results and Resources Framework provide a conceptual framework for the Output, no Output-specific theory of change, or development logic, that identifies activities, implementation approaches, and intended results (change) was articulated. This presents a challenge to the Output, and ultimately its evaluation. Additionally, baseline data collection and analysis against which change can be systematically measured is limited, and the targets defined in the revised Results and Resources Framework are largely input or process focussed, and not results-focussed.

54. Further, limited activity definition, phasing, and scheduling information is available in Output documentation. This has the effect of limiting the ability to align activities with strategic goals, and with tracking progress and results. Observations made during discussions also indicate that this situation makes it difficult for some members of the UNDP Rule of Law Team to understand how individual activities or processes fit with in the strategic vision for UNDP's work

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<sup>19</sup> Some activities in the early stages of implementation included assessments such as the 2013 *Access to Justice Research Study*.

in the justice sector. Feedback received also shows that the lack of comprehensively defined activities and documentation has resulted in some difficulties with information sharing.

55. In light of the above situation, the evaluation team has made the following assessments of the efficacy of UNDP's strategies and activities in supporting of the *overarching CPAP theory of change*<sup>20</sup> and progress towards the *Output 3 objective*.<sup>21</sup> Data available indicates that Output interventions have aligned with these high-level results, namely:

- A range of activities have been implemented that specifically target improvements in responsiveness, accountability, and service delivery of justice institutions. Examples of effective support include the: development of Supreme Court and UAGO strategic plans; broader capacity building / training activities; initial work on data collection and its use in decision making; support to develop institutions' monitoring and evaluation capabilities; and planned annual reporting and leadership support to the Supreme Court.
- Some support has also been given to increase participation in the legislative and policy development processes, however, at the time of the evaluation, these approaches are yet to be institutionalised. Examples of effective support include the: round table and dialogue processes held; consultative processes undertaken by the Rule of Law Centres; and consultation process implemented when drafting three key pieces of legislation.
- Significant advocacy and support to increase awareness / understanding of rights - in particular those of women and vulnerable groups - has also been undertaken. Feedback indicates that some positive shifts in attitudes and awareness have been achieved in selected pilot areas. Examples of effective support include the: activities undertaken by the Rule of Law Centres; and the Clinical Legal Education activities.

56. The strategies and activities adopted by the Output have, therefore, been effective in supporting the broader CPAP theory of change and the Output objective, however, ongoing support is required to embed these changes.

57. It is difficult to undertake an assessment of the efficacy of the strategies adopted and activities undertaken with regards to the Output's targets as defined in revised Results and Resources Framework for two reasons. Firstly, activity-specific baseline data collection and analysis is not available against which change can be measured. Secondly, monitoring of activities and intermediate results was also not systematically undertaken. A summary of progress against the revised Results and Resources Framework is set out in **Annex Five**, however, given the nature of the targets, actual change in behaviour resulting from the support provided is not able to be identified.

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<sup>20</sup> Stated as being: *Within government, greater responsiveness, accountability and efficiency will occur through opening up of legislative development, planning and policy making processes; greater levels of awareness of needs and use of evidence in driving policies and strategies; better means of engaging with the people and resolving conflicts peacefully; and more responsive service delivery. Reciprocal efforts to improve men and women's understanding of their rights, how these could be better met, and how they can advocate for change, will lead to improvements in governance, as well as the realisation of rights.* (UNDP Programme Narrative in 2016-2017: Promoting Poverty Reduction & Sustainable Development in Myanmar, pages 4&5).

<sup>21</sup> Stated as being: *Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups.* (UNDP Rule of Law Results and Resources Framework - 2013 to 2017, at page 1).

## 2.2.2 What observed changes in the justice sector can be attributed to UNDP's activities and outputs in rule of law?

58. Notwithstanding the constraints noted above, feedback received acknowledged the value and effectiveness of UNDP's activities. Key areas identified by the evaluation as being effective and where change has occurred are summarised below.

59. A key high-level change to which Output support has contributed is the fundamental shift in attitudes with regards to the *willingness on the part of justice sector counterparts to acknowledge, discuss, and engage in justice reform activities*. Given the point at which activities commenced less than three years ago, meaningful progress has been made - and change achieved - which is seen as a significant result. Feedback received indicates that UNDP's ability to engage the government, institutions, and community in a dialogue on justice reform and broader sectoral issues was made possible by the resources dedicated to supporting the development of institutional relationships - in particular via the Chief Technical Adviser role.

60. The Chief Technical Adviser role has been seen as an effective and critical change-support agent at the Union-level. Feedback received in consultations indicates that effectiveness of this role may be promoted in the future by: clearer articulation of the nature and scope of the role with counterparts; facilitating more flexible engagement protocols with counterparts; and more detailed activity planning at the institution-level.

61. Overarching support strategies must continue to be framed by higher-level UNDP planning processes (including with the Output Board). More participatory implementation-level planning with institutional counterparts will, however, lead to improved clarity as to agreed areas of support and the nature and scope of that assistance. Furthermore, improved recognition of actual and perceived separation of powers sensitivities with regards to tasking and engagement approaches for the Chief Technical Adviser role will likely enable strengthened relationships with key institutional partners to be established in time.

62. Evidence of further change is found in the *strengthened institutionally capacity* to strategically: identify and prioritise development needs; and engage with partners on reform issues. This change has been enabled by the development of the strategic plans for the Supreme Court and UAGO and ongoing support being provided to implement these plans. This change is, however, currently only at the institutional level. Feedback provided to the evaluation team indicates that cross-institution or sector-wide engagement is not yet possible or seen as appropriate by counterparts. Effectiveness of future support may be maximised by providing targeted support to the development of a coordinated vision for justice sector reform. Consultations indicated, however, that the adoption of a sector-wide implementation modality (or Sector Wide Approach / SWAp) is not appropriate or feasible at this juncture.

63. With regards to Output support to *community engagement and awareness* initiatives; anecdotal evidence from consultations indicates that roundtable dialogues, community consultations, and the training / outreach activities undertaken are seen as effective mechanisms that facilitate the development of networks,<sup>22</sup> and raise awareness of rights and justice issues relating to vulnerable groups. Quantifying change in 'awareness' is difficult, particularly in the absence of related baseline data. Given the reportedly very low-levels of legal awareness and literacy found in Myanmar, however, consultations indicated a positive change in understanding

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<sup>22</sup> One example is the establishment of *Myanmar Justice Association*, which provides pro bono legal advice to members of the community and training support, following Role of Law Centre training in Mandalay.

of key rule of law issues in those participating in community engagement and awareness activities.

64. Feedback received from CSOs repeatedly highlighted the fact that many of the community consultations / dialogue activities were a valuable opportunity to develop consensus on rule of law issues. Effectiveness of community engagement and awareness activities may, however, be improved with regards to achieving *actual change* flowing from this support. There is a perception on the part of community counterparts that there is currently no effective mechanism in place for the outcomes of these activities to inform, or support engagement with, the policy development processes.<sup>23</sup>

65. This current limitation is recognised both by UNDP and the implementing partner, and the evaluation notes that they are progressively refining and improving feedback mechanisms with the aim that consultations can: better inform state and regional parliaments; or be escalated to Union-level for consideration. An additional mechanism (or refinement) that maybe considered to address community concerns and strengthen the effectiveness of this activity is the development of more systematic '360°' reporting. '360°' reporting would result in not only community feedback being provided to policy-makers, but also that regular feedback from policy makers (via the Rule of Law Centres) is made to community counterparts on how the outcomes of community consultations have informed policy development.

66. The Attorney General's recently expressed support of the Rule of Law Centres is another opportunity to facilitate greater engagement between civil society and the policy-level. The effectiveness of this type of engagement - and the potential to initiate change - may be further supported in the future if the involvement of other justice sector institutions is possible.

67. At the programmatic level, feedback on the piloting approach<sup>24</sup> indicates that this approach is seen as being effective. A pilot-approach is valuable to allow for testing and refinement, which is valuable in a transition context where significant uncertainties exist, locally-available expertise is limited, and the implementation environment changes rapidly. A case in point is the opportunity to review and refine the implementation approach of the Rule of Law Centre Project - in particular establishing a more comprehensive and rigorous monitoring and evaluating strategy. These refinements have the potential to maximise effectiveness and results in the second phase of this Project.

68. A range of *capacity development and training* activities were also implemented. Rigorous Output-wide assessment of the changes in knowledge, skills, attitudes - and tracking of changes in behaviour resulting from these - was not available. The evaluation team received anecdotal feedback that these activities were seen as being effective and of value both at the institutional and individual levels. In summary:

- *Substantive and procedural training* was seen as very valuable in developing participants' knowledge and changing attitudes and awareness. Feedback received provided

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<sup>23</sup> Consideration may need to be given to assess the overall efficiency of the Rule of Law Centre approach. Based on the information received, Rule of Law Centres currently employ 32 staff, and UNDP Rule of Law Team staff provide significant additional support to facilitate and implement activities run by the various centres. Consequently, this is one of the most significant investments by the Output. There would be significant benefit in undertaking a results/change-focussed assessment of the approach nearer completion of the Output as implementation will have progressed sufficiently to allow for such an assessment.

<sup>24</sup> A piloting approach was used in two ways. Firstly, to limit interventions to pilot regions / states; and secondly, as a mechanism to develop Clinical Legal Education and the Rule of Law Centre 'pilot projects'.



anecdotal evidence of improvements in participants' motivation and approaches to undertaking their work following training.

- *Legal English training* was seen as effective in developing capacity and confidence to engage and communicate in an increasingly English / internationally influenced work environment in Myanmar. Programmatically, this training was also seen as an effective 'entry-point' to facilitate the development of relationships with key counterparts through which reform activities at higher, more strategic levels could subsequently be initiated.
- *Computer training* was effective in developing basic computer literacy and skills. Feedback indicated that this has led to an increase in confidence to use electronic systems, an ability to use email and undertake web-based research, and an interest in progressively developing electronic systems. Once again, this training was seen as an effective way to established relationships with key counterparts.
- *Broader legal education initiatives* support. Clinical legal education methodologies were used to fundamentally reform teaching methods and the approach to legal education in selected areas of the law curriculum. Feedback received indicates that this responded to a critical need and that the approach is seen as effective. While those consulted were very positive with regards to the overall approach and methodology, concerns were raised as to: the institutionalisation of this approach within universities; staff resources required to implement these teaching methods comprehensively; and limits in the ability to enable broad-based student participation in clinical legal education activities.<sup>25</sup>

69. *Legislative drafting / development* activities successfully supported the development of three new pieces of legislation. The consultative approach adopted in the development of this legislation was seen as being effective by those consulted. A range of related activities, are however, still in the process of needing completion at the time of this evaluation, in particular: operationalisation / implementation of the legislation developed; and the finalisation and adoption of a Legislative Drafting Handbook. Only after this work is undertaken will it be possible to assess the efficacy of, and changes resulting from, this support.

70. Support to the *development of systems and processes* has received more limited support under the Output. Support being provided includes: the development a case information management system within the UAGO; and initial work on data collection and analysis at the Supreme Court. Once again, as these activities are ongoing, their efficacy and change resulting from them cannot as yet be assessed.

### **Conclusion:**

71. In light of the implementation context and the defined strategic vision of counterparts and UNDP, the Output has been largely effective. Change has been realised through the engagement and consultative approaches adopted, the technical and policy support provided, and capacity development initiatives undertaken. Awareness of justice sector needs and the willingness to engage in reform processes are also fundamental changes to which the Output has contributed to a significant degree.

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<sup>25</sup> While anecdotal, feedback received indicated that in one university at least only about 5-8% of all law students are able to participate in clinical legal education activities (including mock trials). Of this select group, only about 5% are then able to participate in externship activities. Given the limitations of the evaluation, the Team was only able to engage with a small number of beneficiaries. Further analysis of constraints and the development of strategies to institutionalise and broadened the application of what is perceived as a very valuable teaching methodology would, therefore, be very beneficial.

72. Effectiveness can, however, be strengthened by providing dedicated (and funded) longer-term support to 'deepen' and embed the initial results of Output activities at both institutional and individual levels. Strengthening future programming through a comprehensive and participatory design process and ongoing collaborative institutional activity-level planning will further strengthen effectiveness and facilitate the change-process going forward.

## 2.3 EFFICIENCY

### 2.3.1 Have resources (funds, expertise, time, staffing) available to the Program been utilised in the most appropriate and economic way possible towards the achievement of results?

73. Approximately USD 7.3 million have been allocated to the Output between 2013 and 2015. Of this, 79% was allocated to technical activities - what may be termed 'service delivery'. This would indicate that the Output has been efficient at the financial level when compared with comparable projects in Asia / the Pacific.

74. Detailed budgets breakdowns were not available to the evaluation team on the basis that the assignment was not an audit. Notwithstanding, some areas where further analysis would be valuable to inform future support approaches include:

- Analysis of UNDP technical and managerial staff responsibilities and related costs. Consultations indicated that some staff's roles were designated and costed as 'technical', however, analysis of actual functions indicated that a significant amount of these individuals' responsibilities were managerial in nature.
- Disaggregation and tracking of UNDP and sub-contractor's management costs. A case in point, is the effect on overall management costs in 2015 when management costs for UNDP and one sub-contracted project are combined.<sup>26</sup> The effect of this is that actual management costs rise to over 30% of the budget available for the period.

75. More broadly feedback received identified the Output as being efficient in its *flexibility in the reallocation of resources* both with regards to: overall funding amounts allocated to the Output; and allocations made in initial annual budgets. This flexibility enabled the Output to address emerging needs appropriately and responsively. Furthermore, the reallocation of resources to *long-term technical and management team members* supported the establishment of positive UNDP-counterpart relationships that allowed for a series of conversations to be held over time. This in turn enabled lengthy counterpart / institutional approval processes and individual counterpart commitments to be accommodated.

76. A number of inefficiencies in the implementation and management of the Output were also identified. Consultations highlighted that the Country Programme as a whole, and hence also the Output, is not fully funded and so budgetary allocations are made on an annual basis and do not align with the duration of approved multi-year activities. The UNDP team, therefore, need to progressively source funding for ongoing activities. This results in difficulties with ensuring the efficient implementation of multi-year activities as funds cannot be 'ear-marked.' In the assessment of the evaluation team, the lack of whole-of-Output funding is a significant efficiency concern which has the real potential to limit overall development effectiveness.

77. Other areas of inefficiency identified during the consultations, include:

- The *absence of a comprehensive design* and limited monitoring of activities and results.

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<sup>26</sup> Note: a high-level financial breakdown was available for only one sub-contracted project.

As noted above, while the CPAP and the Results and Resources Framework provide a framework, no clear Output-specific theory of change has been articulated. This in addition, to limited baseline data and defined targets that are largely input or process focussed has resulted in an absence of a clear vision of how the activities and technical inputs contributed to the realisation of the Output's objective.

- *Senior management staff being located in Yangon* - given the highly centralised nature of key justice institutions in Nay Pyi Taw, greater efficiencies in engaging and managing relationships are likely if senior management is brought closer to key counterparts in the capital. The evaluation team acknowledges that development of such a strategy will need to consider alignment of programmatic-management resources with: the operation of the UNDP Country Office as a whole; the ability to foster links with other UN agencies; and the ability to engage with Yangon-based development partners. These considerations notwithstanding, a strategy where senior programme management is brought closer to key counterparts would strengthen coordination with, and support to, counterpart institutions and key technical personnel based in the capital.
- *Procurement processes* that are not responsive to implementation realities. This results in difficulties with mobilising activities, delays in approvals, and some contractors assuming significant financial risk to enable implementation to continue.
- *Limited (or perceptions of limited) involvement of counterparts in the selection of technical advisers.* The 'direct implementation modality' under which the UNDP Myanmar Country Programme operates means that UNDP bears full responsibility for all aspects of implementation. Such limitations - while acknowledged - have a real potential to limit: ownership of some initiatives; and the delegation of responsibility for driving and managing reforms to counterparts.
- *Limited use of the small-scale / micro grant mechanism* - information provided to the team indicates that only one grant has been approved. Consultations indicated that: difficulties in the ability to approve applications for CSOs; and in the capacity of the local CSOs to deliver results, limited the efficiency of the mechanism. Other UN-agencies or teams have, however, been able to provide a significant number of similar grants. A new approach to enable UNDP to partner with CSOs in various ways has now been approved, thereby potentially improving the efficiency of this mechanism in the remaining implementation period.<sup>27</sup>

### 2.3.2 How have partnerships influenced the efficiency of the Program in delivering against its portfolio?

78. Based on the data available to the evaluation team, implementation partnerships with UN agencies (including with United Nations Office on Drugs and Crime, United Nations International Children's Emergency Fund, and United Nations Population Fund) and with other UNDP teams have largely been undertaken on an opportunistic basis where synergies between activities were identified, and not in line with a strategic approach. Notwithstanding, feedback indicates that these partnerships have been effective and there is a willingness to explore opportunities to collaborate further in the future.

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<sup>27</sup> Small grant mechanisms have the potential to be valuable entry points in a community engagement strategy. They are: incentive-based; counterpart (demand-side) driven; and can provide an effective mechanism to also provide capacity building support to CSOs in both technical and operational areas. *Note:* in the experience of the evaluator, small-scale grant mechanisms are usually resource intensive from the management perspective, particularly if grant recipients have limited technical and managerial capacity.

79. The Output also collaborated with several external partners. Implementation of the Rule of Law Centres has evolved into a partnership between UNDP and the International Development Law Organization, which has been able to mobilise additional funding support. Additionally, ongoing relationships with individuals and groups that have received training - through the Rule of Law Centres in particular - has resulted in the development of several partnerships. A number of examples were highlighted where Rule of Law Centre 'graduates' supported training in partnership with one of the Centres, or with one of the Centres' support.

80. Consequently, a range of partnerships have positively influenced the efficiency of the Output. There is, however, an opportunity in the future to more efficiently plan for and develop such links in a more strategic and structured manner.

### 2.3.3 To what degree UNDP has incorporated and fostered South-South cooperation, knowledge management, and volunteerism and UN coordination in the implementation of this Program? How beneficial have these been?<sup>28</sup>

81. A number of south-south cooperation initiatives have been implemented. Study-visits have been undertaken, with positive feedback being provided by counterpart with regards to: the opportunities such visits provide to gain exposure to international context and best practice; the ability to forge relationships with colleagues in other countries; and the positive influence on participants' attitudes towards justice reform. Evidence of changes in behaviour, however, is not available and needs to be monitored more closely in future implementation.

82. An example of a tangible benefit resulting from the study-visits is the recent establishment of a peer-to-peer relationship between the Supreme Court and the Federal Court of Australia. As the Memorandum of Understanding has only recently been concluded (in July 2016), and no activities have been implemented to-date, benefits or change resulting from this approach are not able to be assessed at the time of reporting.

83. A number of volunteers have supported the Output in both longer- and short-term technical roles. These have been sourced from UN Volunteers and other international volunteer organisations. Feedback received on the quality and value of these volunteers, indicates that they have made a significant positive contribution to the Output. Some issues were raised with regards to the location and tasking of some volunteers, however, these were of reasonably limited impact when viewed in light of overall volunteer contributions.

84. Interviews and group discussions repeatedly acknowledged the broad-based trust with which UNDP / the Output is held by its counterparts across the justice sector and also with implementing partners. This extends to a recognition of the valuable coordination role that UNDP and the Output play in the sector, namely:

- *Coordination between government and civil society* - enabling initial links between government / institutional policy development and needs at the community level to be established.
- *Coordination at the programmatic-level* - supporting coordination both with and between donors and implementing organisations in the justice sector. As an adjunct to this, the

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<sup>28</sup> The ToR for the evaluation included this key question under 'efficiency' though it may be included in an assessment of effectiveness.

efficacy of UNDPs role as a 'resource centre' on justice sector information and issues was also seen as very beneficial.

### **Conclusion:**

85. Overall service delivery costs as against management costs would indicate that the Output has been *efficient* at the financial level. Analysis of more complete figures will enable a holistic picture of true management costs to be obtained. Flexibility in the re-/allocation of resources, and longer-term involvement of key team members were also seen as being efficient. A number of partnerships exist - both within UNDP / UN and with external partners - however, these were largely developed on an opportunistic basis. South-south cooperation strategies were used, however, tracking of changes resulting from these activities in a systematic manner would assist in assessing the efficiency of this investment and the contributions to the Output's objective.<sup>29</sup>

86. A number of areas of inefficiency were also identified, including: absence of a comprehensive design; location of members of the senior management team; limited counterpart involvement in adviser selection; and limited use of small-scale grants. A key area of inefficiency - with the potential to negatively impact overall development effectiveness - was that funding allocations did not align with the duration of approved activities, resulting in significant difficulties in managing multi-year activities.

## **2.4 SUSTAINABILITY**

### **2.4.1 To what extent will the benefits of UNDP's work in this area continue?**

87. Active implementation of activities under the Output commenced less than three years ago and is ongoing. This, combined with the low starting base with regards to capacity, policy, awareness, etc. across the justice sector, means that the following discussion is framed not in absolute terms, but in light of *whether progress is being made towards interventions being sustainable* with further support.

88. A number of activities - principally those where there are high levels of counterpart engagement - are progressing towards being self-sustaining. A case in point is the investment in relationships and policy-level support exemplified by the development of strategic plans by the Supreme Court and the UAGO. Feedback received indicates that counterparts recognise the value of these plans as a key mechanism to: guide the institutions going forward; inform ongoing reform initiatives; and frame relationships with development partners in the future. Strong institutional ownership is evidenced by the establishment of the Policy and Planning Unit (the Unit) within the UAGO. The work of the Unit will be critical in implementing the plan and for embed the concept of strategic leadership and planning within the institution. The Unit, however, has only recently been established, and ongoing Output support to assist it in its operations is needed. Notwithstanding, this example is indicative of progress being made in embedding, or institutionalising, changes resulting from the Output's work within the leadership, management and operational structures of the partner institutions.

89. Consultations identified the activities of Rule of Law Centre 'graduates' as another indicator of progress towards sustainable change. As previously noted, several examples were highlighted where the capacity built at the local-level is now being independently used to the benefit of the

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<sup>29</sup> The evaluation team is aware that some mini-documentaries are in the process of being developed which are seen valuable endeavour in addition to regular monitoring activities.

community, including: follow-on training to communities and CSOs in the rule of law area; and pro bono legal advice to individuals in a range of areas including family violence, land, and juvenile justice.

90. The approach to building local technical teams ‘from scratch’ rather than seeking to mobilise extant technical resources from within Myanmar institutions / organisations is also seen as supporting sustainability. While this approach has involved a significant investment on the part of the Output, it has the potential to enable real longer-term benefits and change to occur within the justice sector by broadening the available base of experienced technical and training resources in the rule of law area.

91. Selected examples where consultations indicate that the potential for sustainability is still weak at the time of the evaluation, include the:

- *Rule of Law Centres and clinical legal education* - both of these areas are significant investments on the part of the Output and both are dependent on donor funding to remain operational. While some progress towards sustainability has been identified with regards to the changes resulting from these activities (as discussed above), feedback indicates that significant support is still required to foster institution-level leadership, ownership, and resourcing of these initiatives.
- *Approach to legislative development* - based on feedback received, the consultative approach developed to support legislative development is seen as positive, however, it is not yet a sustainable, locally driven, process. The development of a Legislative Drafting Handbook is seen as a strategy to at least partially address this constraint, however, as the Handbook is still in the process of being developed at the time of this evaluation, the potential for this to positively promote sustainability is not able to be assessed.
- *Development of a UAGO Case Information System* - this activity is only partially complete so potential sustainability is difficult to assess. Feedback received indicates that increased participation by UAGO counterparts in the development process would strengthen ownership, with the resulting benefit that the sustainability of this activity is strengthened.

#### 2.4.2 Is the level of national ownership and the measures that serve to enhance national capacity enough to guarantee the sustainability of results?

92. A key enabler of sustainability is ownership. Guaranteed sustainability of results cannot, however, be made in any context, especially in one as complex as that found in Myanmar.

93. A positive example of national ownership is the attitudinal shift with regards to key counterparts / institutions acknowledging the need for, and openness to discuss, justice reform. It also provides a platform on which to build a strategy to progressively devolve responsibility to counterparts for leading and managing ongoing change. With appropriately targeted support this willingness can be translated into increased levels of ownership, reduced donor-dependence, and ultimately enhanced sustainability of results in the medium- to long-term.

94. Change, however, is fragile. While ownership exists in some circumstances as illustrated in the above discussion, feedback indicates that change management is not as yet embedded within leadership and management structures. Consequently there is a real risk of loss of traction if key change leaders / staff are lost.



95. Ongoing engagement and support at the Union-level is seen as critical to maintain and further develop ownership. An additional approach to strengthen ownership is by 'deepening' technical assistance to also focus on supporting counterparts at the middle management-level in partner institutions. By supporting the development of relationships, capacity, and 'agents for change' at middle management-level, succession planning is strengthened, and the potential to sustain reform benefits maximised.

#### 2.4.3 Is there a resource mobilisation strategy in place for the Program to ensure the continuation of benefits? Are national partners contributing financial and other resources towards the continuity of the results of this Program? Are there public/private partnerships in place?

96. Feedback received in consultations with regards to resource mobilisation is that there will most likely be budget constraints in the remaining Output period. It is beyond the scope of this evaluation to define a potential resource mobilisation strategy to address this constraint, however, the following considerations may assist in framing such a strategy:

- Focus on stronger design. A clear, strategically focussed definition of: a vision; change strategies; results; activities; and costs, will assist in communication. Potential support partners will be better able to align UNDP work with their own priorities and be in a position to provide funding support on a whole-of-activity basis.
- Undertake more active engagement and communication (both formal and informal) with partners and stakeholders. Through this, a more participatory process in management, planning, and implementation can be achieved - maintaining and further developing relevant relationships going forward. Strengthening monitoring of activities and results will also greatly assist in communication and advocacy for ongoing support.
- Focus on 'replicable activities' so that the initial or start-up investment is maximised by undertaking the same or similar activities in multiple contexts / locations. While there is a need to ensure that relevance and usefulness are not negatively impacted upon by simply 'transplanting' activities, given the significant levels of need found in Myanmar, expanding replicability (for example of substantive training activities) is a strategy that may be considered.
- Aligning future support with areas where national partners are investing themselves. Examples of areas where such alignment may be possible include the Supreme Court's Information Technology Master Plan and continuing support to the implementation of the strategic plans (including the UAGO Policy and Planning Unit). Additionally, further alignment with other UN agencies' or donors' activities to collaboratively undertake joint implementation (an example may be the USAID Pilot Court Project to support courts in additional locations) can also enable expanded service delivery with more limited financial resources.
- Active participation of national partners in design, planning, and implementation (including selection of technical experts/resources) may also be a mechanism by which national partners' contributions can be maximised. Such a strategy will assist in strengthening a partnership approach to implementation, with counterparts then able to advocate on behalf of UNDP to mobilise additional resources.

#### **Conclusion:**

97. Progress is being made in a number of Output areas towards interventions being

sustainable in the medium-term. In light of the significant levels of institutional and capacity needs found in Myanmar, however, discussion of sustainability in absolute terms is premature after only three years of support. Given the level of need, ongoing support to reforms across the justice sector is critical and will require a long-term support strategy to be adopted.

98. While positive levels of ownership by national partners exist, it is possible for these to be strengthened by facilitating increased counterpart leadership of, and participation in, the reform process. After three years of operating in a transitional context, future support will need to balance transitional implementation approaches with more sustainable justice sector reform strategies. Alignment of future support with key institutions' strategic visions and adopting a more partnership-focussed approach will have the potential to maximise results and allow for change to be embedded over time.

## 2.5 IMPACT

99. As noted in the approved Evaluation Inception Report and confirmed in discussions with UNDP, assessment of Output impact is not possible at this juncture given the limited time since the commencement of support. Consequently, discussion of *benefits attributable to UNDP's* and what *the impact / change of UNDP's engagement* has been (as noted in the ToR), is covered in the effectiveness section (section 2.2), above.

### 2.5.1 Does the Program strategy apply a rights-based approach to Programming?

100. The human rights-based approach aims to frame implementation on the basis of international human rights standards and promote the protection of human rights. It seeks to analyse inequalities which lie at the heart of development problems and to redress discriminatory practices and unjust distributions of power.<sup>30</sup>

101. Through its various activities, the Output has made efforts to adopt a human rights-based approach. Selected examples of these efforts include providing support to:

- Participatory dialogue and policy development processes, in particular through the training and community engagement activities of the Rule of Law Centres, roundtable dialogues and the initiation.
- Participatory drafting of three key legislation, the: Legal Aid; Anti-violence Against Women; and Child Laws. This support has provided a significant step forward in promoting recognition of key rights and improving the legal and institutional framework for access to justice. Protection of these rights, however, still remains aspirational given the need to operationalise this legislation.
- Advocacy at the policy- / institutional-level on the importance of respecting international human rights norms and the promotion of more inclusive and accountable organisational processes, and responsive service delivery. Examples include: the development of strategic plans; progress towards processes that allow for data collection and analysis (in particular the collection and disaggregation of gender and access to justice-related data); a strengthened 'customer focus'; and legislative development noted above.

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<sup>30</sup> Based on: Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation*.

- Capacity building and training have consistently included discussion / sessions on rule of law and human rights issues (especially the rights of vulnerable groups and minorities). This has led to increased awareness of rights and international human rights norms.

102. Feedback from some development partners noted that the Output may be able to give greater attention to promoting gender-related issues and use more gender-appropriate language in some of its reports. While there is evidence of efforts to incorporate a human rights-based approach and address gender-related rights and issues in the Output's work, the disconnect between the Output's activities and its partners' perceptions of that work may be largely due to the communication approach adopted. Consequently, reports may benefit from: a specific section on human rights-related matters; and more clearly tracking change / results.

## 2.5.2 To what degree has UNDP advocated for equality and inclusive development, and contributed to empowering and addressing the needs of disadvantaged groups and vulnerable populations in Myanmar?

103. The advocacy for equality and inclusive development undertaken by the Output is briefly summarised in the previous section. It is still too early to identify impacts resulting from these efforts, however, consultations highlighted that despite these efforts there is still a broad-based lack of recognition of access to justice for vulnerable groups as a key justice reform issue. For example; recognition of sexual and gender-based violence and other issues relating to vulnerable groups exists principally at the community level as a result of the awareness raising and engagement activities undertaken by the Rule of Law Centres. More broadly, however, consultations repeatedly highlighted that sexual and gender-based violence is not perceived as being a significant issue or a key justice sector reform need.

104. To effect broad-based changes in perceptions relating to issues faced by vulnerable groups necessitates ongoing advocacy. Advocacy, however, must be based on evidence and research if it is to be persuasive and effective. It was the experience of the evaluation team that comprehensive evidence-based research on issues such as sexual and gender-based violence is not available for Myanmar. Without Union-wide, evidence-driven research, advocacy for human rights issues is difficult.

105. Another key area of Output support to improving the recognition of key rights, was by improving the legislative recognition of these rights through the adoption of new laws. This support has also not yet resulted in improved access to justice for vulnerable groups. Key legislation - the Legal Aid Law, for example - has not been operationalised. Consequently, while some *recognition* of the need to protect human rights is evident by the passing of these new laws, *actual protection* still remains largely aspirational. Furthermore, the passage of four 'protection of race and religion' laws is indicative of conflicting legislative priorities, particularly with regards to women's rights (a matter acknowledged by UNDP in its reporting). This circumstance is illustrative of the nascent stage at which justice sector and broader governance reforms are at in Myanmar. Substantial ongoing policy-level support will be required before vulnerable groups are effectively empowered and their rights consistently protected.

### **Conclusion:**

106. Progress has been made, and advocacy efforts have begun a process to improve awareness, recognition, and protection of human rights, in particular for vulnerable groups. While there is evidence of change, it is not possible at this time to identify impact on

beneficiaries - the users and potential users of justice services in Myanmar. Given both the scale and diversity of justice-related needs in Myanmar, ongoing long-term support is required for reform impacts to be achieved at the Union, state/regional, and community-levels.

## 3.0 FINDINGS, RECOMMENDATIONS, AND LESSONS

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### 3.1 FINDINGS

107. Following the completion of the in-Myanmar consultations and the assessment of key Output and related documentation, the evaluation presents a number of findings for UNDP's consideration.

108. The evaluation concluded that the Output and its activities have been **relevant** and responsive to needs in a fluid and quickly changing implementation context. Progress has been made in collaboration with counterparts, with incremental steps towards justice sector reforms being realised.<sup>31</sup> Refinements to vision, targets, and activities are seen as appropriate and helped maintain relevance. A range of positive changes have resulted resulting in the Output being seen as **effective**. Change, however, is still fragile and ongoing support is required to 'deepen' and embed initial results. High-level analysis of delivery and management costs indicates that the Output has been generally **efficient**, as has the flexibility in the re-/allocation of resources and implementation strategies. A number of areas of inefficiency were also identified, in particular that funding allocations did not align with the full duration of approved activities. Progress is being made to promote **sustainability** in a number of areas. Positive levels of ownership have also been noted which will provide a basis for maximising sustainability of results in the medium- to long-term. While there is evidence of change and increases in awareness, it is premature to identify **impacts** on beneficiaries. Given the magnitude of needs in Myanmar, ongoing long-term support will be required for comprehensive reform impacts to be achieved.

109. There was a significant need for revision and refinement of Output 3 as defined in the Country Programme and CPAP. Limited information available at the time of Output scoping resulted in: difficulties with realistically defining the nature and scope of potential activities; and setting over ambitious targets for the Output. It is consequently considered appropriate that a comprehensive review of results and targets was undertaken in light of implementation experience, however, the targets in the revised Results and Resources Framework are largely input or process focussed, and not results-focussed.

110. The transitional context found in Myanmar at the commencement of implementation also resulted in programming being undertaken in parallel with implementation resulted in no overarching design process undertaken. In the absence of a comprehensive and participatory design process: an *Output-specific* theory of change was not articulated; the scope and nature of interventions were not strategically planned; and baseline data relating to implemented activities - against which change can be systematically measured - was not collected.

111. More rigorous monitoring of activities and intermediate results during implementation was seen as an area where additional work would have been beneficial. Strengthening of Output-wide monitoring and evaluation approaches are needed to better: track activities; assess the quality of support; define substantive change-focussed targets; and identify results.

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<sup>31</sup> For example: the Supreme Court / UAGO strategic plans, opening dialogue on justice reform, consultations with CSO participation on new laws; and opening up of universities to a new legal education methodologies.

112. High-levels of trust between UNDP, its counterparts, stakeholders, and partners exist. With appropriately targeted support and an ongoing investment in UNDP-counterpart relationships, national ownership of reforms can be further strengthened with the potential to maximise sustainability of results.

113. Advocacy efforts have started to show some increase in awareness and understanding of issues relating to vulnerable groups, though principally at the community-level. Advocacy, however, must be based on evidence if it is to be persuasive and effective. Without Union-wide evidence-driven research, advocacy for human rights issues (sexual and gender-based violence issues, in particular) is made difficult.

114. Feedback and assessment of the Output's work in the justice sector identified a number of areas where UNDP has a 'comparative advantage' or broadly acknowledged capacity to engage effectively. In summary these areas include UNDP's: strong relationships across the justice sector and the high-levels of trust in which it is held as a reform partner;<sup>32</sup> ability to engage across the justice sector and the ability to bring government, Union-level institutions, and the community together; willingness and ability to develop innovative reform initiatives and to test these through the pilot project-approach; willingness to invest in building local technical teams 'from scratch'; coordination role both with and between donors and implementing organisations; ability to act as a 'resource centre' for justice sector knowledge / information; and global networks that enable south-south learning to be maximised.

## 3.2 RECOMMENDATIONS

115. The following recommendations are forward-looking and have a two-fold focus. The first, relates to the remaining period of the current Country Programme Action Plan (to end-2017). The second, looks forward to potential future justice sector support in Myanmar (2018 onwards).

### 3.2.1 Recommendations for the Current Country Program Action Plan (to end-2017)

**Recommendation 1:** *Maintain current focus:* with less than 18 months of implementation remaining and the overall positive nature of the findings of the evaluation, Output support to end-2017 should largely remain focussed on current areas. To assist with improving transparency and communications, it is recommended that the monitoring approach is refined to strengthen activity tracking and the dissemination of change / results (both formally and informally) on a regular basis.

**Recommendation 2:** *Further develop a partnership approach:* by expanding efforts to undertake collaborative forward planning of activities with counterparts at the institution-level. While strategic direction must be provided by the Output Board, close collaboration in planning and implementation at the institutional-level will maximise counterpart engagement, ownership, and has potential to assist in streamlining activity approvals and strengthening ownership.

**Recommendation 3:** *Build on existing justice reform dialogue:* to further support national counterparts to engage in relevant, responsive, and coordinated justice sector reforms. While

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<sup>32</sup> Given the highly centralised nature of justice sector institutions, support to policy development, capacity building, and reform of systems/processes can only occur if there is effective engagement at the Union-level. Given this centralisation in leadership and approval processes, successful engagement at the Union-level will in turn enable engagement at the region / state-level.

this builds on the previous point to some extent, there is the potential to broaden the work undertaken in developing the Supreme Court and UAGO strategic plans. Dialogue on justice sector reform can be facilitated to progressively develop an inclusive, unified, reform vision that can guide future reform endeavours (see also the discussion in *Recommendation 10*, below).

116. If refinements are needed to the scope of the Output in the remaining implementation period due to strategic, financial, or other factors, such changes should be undertaken in light of the following:

**Recommendation 4:** *Prioritising support:* to activities that can be embedded effectively over the remaining Output period so that sustainability is maximised. Selected examples of such activities include: ensuring that engagement with current key counterparts is continued and strengthened to maintain relationships of trust; ongoing assistance to the UAGO / Supreme Court in implementation strategies in support of their strategic plans; south-south cooperation activities; and priority capacity building and training.

**Recommendation 5:** *Maximising continuity:* through ongoing support to incomplete activities, or activities where sustainability is still seen as being fragile. For such activities, explicit strategies should be developed to progressively enable them to be institutionalised within the justice sector so that donor dependence is reduced. Selected examples include: the Legislative Drafting Handbook; the Case Information System; Rule of Law Centres; and Clinical Legal Education.

**Recommendation 6:** *Maximising potential for change:* Output investment in the Rule of Law Centres has been significant. Potential for change can be maximised in the remaining period by:

- Undertaking a results / change assessment of the project nearer completion of the Output as implementation will have progressed sufficiently to allow such an assessment.
- Exploring the potential to establish a whole-of-sector steering committee to guide and promote inclusive participation. Representation on such a steering committee may include: Executive / senior representation from the Supreme Court and UAGO (co-chairs); General Administration Department; Police; Community / CSO Representative(s); Private Bar; and Academia (law).

**Recommendation 7:** *Further strengthening the focus on human rights / vulnerable groups issues:* by analysing the activities that will receive ongoing support to end-2017 to maximise opportunities for focussing on human rights-related issues. Strategies can include:

- more structured engagement with other UN agencies to identify areas where short-term collaboration may be possible;
- developing an engagement strategy for UAGO law officers to effectively engage with the Rule of Law Centres; and
- the use of human rights-focussed case studies in all training and other relevant activities - for example using sexual and gender-based violence cases / juvenile justice issues as topics in mock trials.

**Recommendation 8:** *Maximising 'replicable' activities:* given the significant levels of need across the justice sector, training activities are one area where individual courses can be effectively replicated. While serious consideration must be given to ensure relevance and usefulness, such a strategy can support efficiency in implementation.



### 3.2.2 Future Justice Reform Support (2018 onwards)

117. Over the previous three years, the implementation context has changed dramatically, and further change is likely by the end of this CPAP in December 2017. Consequently, there is a need for a matching shift in the strategic rationale underpinning justice sector reform from 2018 onwards.<sup>33</sup>

**Recommendation 9:** That a *comprehensive, participatory, and data-driven project design process* is undertaken to structure and plan any UNDP support to the justice sector from 2018 onwards. Such a project design process should take into account the following additional recommendations:

**Recommendation 10:** To *evolve the strategic rationale or vision for engaging with the justice sector in Myanmar*. This can be seen as moving from justice reform as a component, or enabler, of democratic governance and the current more introspective focus of support on “...*enabling justice institutions [to] develop and implement frameworks for justice sector reform...*”; to be more externally focussed on enabling justice (a ‘fair’ society in Myanmar) *as an end in itself*.

This would be a fundamental conceptual shift. Future justice sector support and results would be framed by a more explicit ‘service focus’; namely to improve responsiveness to the needs of the ultimate beneficiaries of justice services - all people in Myanmar. This would be a more outward looking focus. Justice sector actors would identify needs, response strategies, and most importantly indicators of success, in light of actual changes in the *quality, accessibility, and fairness of justice services for all people in Myanmar* (as opposed to the more introspective focus of achieving improvements in capacity / change within the institutional environment).<sup>34</sup>

**Recommendation 11:** *Initiate a two-step design process taking into account timeframes and available resources*. A new UNDP Country Programme will be developed by the first quarter of 2017. Given this very short timeframe and limited resources available to undertake a design, the following two-step process is recommended:

1. Develop a ‘*Concept Note*’ in consultation with key sector counterparts as part of the new UNDP Country Programme development process. The Concept Note will define the high-level strategic architecture, scope, and key results areas of future UNDP justice sector support in Myanmar in line with discussions in *Recommendation 10* and *Annex Six*; and
2. Undertake a *comprehensive project design* in close collaboration and with the participation of national counterparts so that development effectiveness is maximised moving forward. To enable the design to be appropriately resourced and to allow for sufficient time to undertake a participatory / consultative process and development needs assessment, the development of the design would be scheduled as the first costed justice-sector support activity under the new CPAP (2018 following).

Areas that the design should include are: the rationale for engaging / project goal (aligned with the strategic direction set in the new Country Programme); definition of a project-specific theory of change; governance and communication arrangements; project architecture and key activities; intended change / results to be achieved (including monitoring and evaluation approach); and resourcing requirements. Aligned with this,

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<sup>33</sup> An additional discussion on potential programmatic focus areas, size, scope, and delivery and implementation mechanisms has been developed and is found in **Annex Six**.

<sup>34</sup> This is not to say that the support provided by the current Output should be discontinued. Key changes initiated by this Output will need some level of continued support to embed, strengthen, and if appropriate extend.

*firm allocation of funding for the duration of the project cycle will be critical to allow for development effectiveness.*

**Recommendation 12:** *Future justice reform support is informed by the assessments made in this Evaluation, to ensure that such support:*

- a. *Focusses on UNDP's strengths or areas of 'comparative advantage'* as summarised in the Findings (**section 3.1**), above, so that support is targeted and the range of interventions limited by a more strategic approach to the allocation of resources.
- b. *Continues to invest in key change leaders and relationships.* Given the nascent stage of the justice reform agenda in Myanmar there is a real risk of loss of traction if key change leaders are lost. Consequently, strategies to: maintain and further develop relationships;<sup>35</sup> deepen support; and strengthen ownership of the reform process, will need to be developed.
- c. *Adopts a long-term view of justice sector reform.* Given the scale of reform issues, and the need to enable 'cultural shifts' to occur after decades of military rule, longer-term 'whole-of-system' approaches to reform are needed. Some selected examples including:
  - Better integrating institutional strengthening activities (performance improvement) with individual capacity building (capacity improvement).
  - Deepening institutional reforms and change management capacity to include and support middle-management.
  - Supporting comprehensive reforms to legal education both with regards to teaching methodologies and institutionalisation of these reforms.
  - Facilitating strengthened community engagement in policy development through the development of links between community and government
  - Developing ongoing partnerships both with community organisations and with (ideally UN) implementation partners to strengthen activity implementation.
  - Promoting comprehensive legislative development approaches that support the development of key laws from: conceptualisation; through consultation, drafting, and adoption; to implementation or operationalisation of the legislation.
- d. *Supports ongoing research and data collection* into key justice issues that may include: assessment of sexual and gender-based violence (incidence, severity, reporting, response by formal and informal justice systems, outcomes of cases, etc.);<sup>36</sup> expanding Access to Justice Mapping; and development and use of justice end-user surveys.
- e. *Continues to enable innovation* by supporting the development, testing, and refinement of new implementation strategies and approaches, by using inter alia: pilot project-approaches; and developing new local technical capacity by building local technical teams 'from scratch' - so that the potential to develop contextualised and innovative reform responses is maximised.

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<sup>35</sup> In light of the value ascribed to the Chief Technical Adviser role in consultations, and the significant levels of ongoing need, it is recommended that consideration is given to maintaining this key role, and potentially expanding the concept to also include a specific / separate courts-focussed position. As an adjunct to this, the location of senior members of the implementation/management team would also need to be considered in light of UNDP Country Office policy and the discussion in *paragraph 77*, above.

<sup>36</sup> Sexual and gender-based violence - while by no means the only rights-based issue faced by vulnerable groups - is undoubtedly a significant issue globally. International data on incidence varies between one third and two thirds (in the Pacific, for example) of women experience some form of sexual / gender-based violence in their lifetime. Consequently, despite limited data on the local context, the global experience indicates that investment in this area is likely to be valuable in Myanmar.

**Recommendation 13:** To refine and strengthen the rigour of the Output *management approach* for any new justice reform support in light of the assessments made in this evaluation, by:

- i. Maximising *responsiveness and flexibility of implementation* while ensuring strategic focus is maintained. While there is a need to comprehensively design any future assistance (as discussed above), conversely, continued evolution in the justice sector over the course of implementation will require flexibility. A three-fold strategy may be adopted to address this tension and to ensure responsiveness:
  - Develop a *comprehensive design* to define proposed support within the parameters set by the new CPAP (as discussed above).
  - Define *policy direction and provide strategic guidance* to all support / activities through a governance or steering committee (analogous to the ‘Output Board’ for the current Output). This committee would be a forum to approve substantive variations to the scope and results of proposed support.
  - Undertake *detailed implementation planning* (informed by the previous two points) on an iterative and collaborative basis with individual institutions / counterpart groups. A 24-month planning cycle may be used where annual planning meetings are held to with counterparts to: firmly schedule *and approve* activities for months 1-12; and indicatively schedule activities for months 13-24. Such an approach will enable: improved alignment with strategic goals and defined results; greater ownership and certainty; more streamlined approval processes; and improved allocation of resources - while maintaining responsiveness to the evolving implementation context.
- ii. Introducing more *structured phasing of support* in light of defined strategic outcomes to take into account institutional constraints and absorption capacity limitations. By ensuring the clear articulation of key milestones against which projects / activities can be reviewed and re-/allocation of resources can take place, the potential to achieve defined results will be maximised.
- iii. Undertaking more *rigorous monitoring and evaluation* so that managers are able to better: track and report on the status of activities, quality of support, utilisation of resources and progress in light of the approved implementation plan (monitoring); and assess the extent to which the justice reform support has achieved, or has progressed towards achieving, its defined results targets (evaluation). As part of such an approach: clear articulation of change targets (at the input, output, outcome, and impact levels); the monitoring and evaluation approach; and support-specific baseline data collection, will be needed.<sup>37</sup>

### 3.3 LESSONS

118. A number of lessons have been learned during the implementation of the Output. These are summarised below:

119. *Value of investing in relationships* is seen as a key lesson from the implementation

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<sup>37</sup> A methodology that may be adapted (as any future support will not only be training focussed) is D.L. Kirkpatrick’s *Model for Evaluating Effectiveness of Training Projects* focussing on four levels of evaluation: 1. *Reaction*: How did participants react to the activity or project?; 2. *Learning*: To what extent did participants improve knowledge and skills and change attitudes as a result of the activity or project?; 3. *Behaviour*: To what extent did participants change their behaviour back in the workplace as a result of the activity or project?; 4. *Results*: What benefits have resulted from the activity or project?

experience. The ability to engage in a dialogue on justice reform at all levels, the high-levels of trust with which UNDP is held, and the willingness of national and implementation partners to work with UNDP is due to the investment made in developing and maintaining relationships.

120. *Importance of participation and ownership.* Working closely and collaboratively with counterparts is critical if ownership, and ultimately sustainability, of change is to be achieved. A partnership approach also provides a platform on which to build a strategy to progressively devolve responsibility to counterparts for leading and managing ongoing change - thereby, progressively reducing donor-dependence.

121. *Necessity of a strong project design* that provides a clear structure and a theory of change / development logic. With the advances made in justice sector reform to-date, a shift in programmatic thinking is also required so that future support is strategically targeted at priority reform needs that align with UNDP's areas of comparative advantage.

122. *Importance of responsiveness and flexibility* in implementation was key to the ability of UNDP to successfully engage with justice sector actors and to maintain relevance and effectiveness of activities in the transitional context found in Myanmar over the last three years. The need to maintain responsiveness and flexibility in implementation will be equally critical going forward with the ongoing evolution in justice sector vision, needs, and capacity.

123. *Importance of results-focussed targets* was also seen as a key lesson. The Output's targets were largely process or input focussed resulting in a more limited focus on change. The definition of realistic results targets and associated indicators that can be measured and easily monitored is critical for effective project management and successful implementation. Additionally, more rigorous monitoring of activities and evaluation of progress towards results would have assisted with transparency and in communications.

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## ANNEXES

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### LIST OF ACRONYMS AND ABBREVIATIONS

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CPAP	-	Country Programme Action Plan
OSCU	-	Office of the Supreme Court of the Union
the Evaluation	-	Evaluation of the Rule of Law and Access to Justice Project
the Project	-	Rule of Law and Access to Justice Project in Myanmar
UAGO	-	Union Attorney General's Office
UN	-	United Nations
UNDP	-	United Nations Development Programme
UNEG	-	United Nations Evaluations Group



## 4.0 INTRODUCTION

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1. This Evaluation Inception Report is the initial output of the independent Evaluation of the United Nations Development Programme (UNDP) Rule of Law and Access to Justice Project (the evaluation) in Myanmar. It describes the purpose, scope, and overall approach that will be taken in completing the evaluation.

2. The evaluation is being undertaken in line with the UNDP Myanmar Country Office evaluation plan as defined in the Country Programme Document. It will be undertaken by a two-person team (one international and one national consultant) in accordance with the terms of reference (ToR) and the agreed work plan. It will involve:

- an initial analysis of available documentation and reports linked directly to the Project;
- a two-week in-country mission to undertake consultations with justice sector actors (26 June- 9 July, 2016);
- The presentation of a draft Evaluation Report to UNDP for review in mid-July; and
- Delivery of the final Evaluation Report by 29 July, 2016.

## 5.0 PURPOSE OF THE EVALUATION

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3. This evaluation will:

- analyse the results to-date that UNDP's assistance in the area of rule of law has had in Myanmar;
- identify problems and constraints that have been encountered in Project implementation;
- identify important lessons to be learned from UNDP's experience; and
- make recommendations for the remainder of the Project cycle as well as for UNDP's next Country Programme.

4. The evidence and information generated from this evaluation will enable UNDP managers to: make informed decisions and plan strategically for improvements, expansion, or downsizing of future support; promote knowledge generation about UNDP's work in rule of law and access to justice; and ensure accountability of results and resources.

## 6.0 SCOPE OF THE EVALUATION

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5. The UNDP Myanmar Rule of Law and Access to Justice Project forms Output 3 of the UNDP's the Country Programme Action Plan. The objective of this output is defined as:

*"Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups."*

6. The evaluation will assess the degree to which UNDP's engagement in rule of law since the inception of the Project in 2013 has been able to deliver against this objective. Furthermore the current Project structure will also be assessed so that UNDP Management can more

effectively target Project support to best meet the needs of the new government which has a strong commitment to rule of law and justice sector reform.

7. The evaluation will garner the feedback from justice sector actors including but not limited to: justice institutions employees; government counterparts; implementing partners (national and international); legal professionals; civil society organisations; UNDP staff and management; donor representatives, UNDP output teams under the democratic governance portfolio and across the other thematic areas of local governance and environmental sustainability; and collaborating UN agencies.

8. It is anticipated that the two-week mission will include consultations in: Nay Pyi Taw, Mandalay Region (Mandalay), and Yangon Region (Yangon).

## 7.0 APPROACH AND METHODOLOGY

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9. This evaluation is intended to provide the United Nations Development Programme (UNDP) with an objective assessment of its work under the Project. The assessment will be undertaken against five key criteria, as noted in the ToR, namely: relevance; effectiveness; efficiency; sustainability; and impact.<sup>38</sup>

10. The ToR details the scope of work and level of resources to be allocated to this assignment. The duration of the evaluation is short totalling 25 input-days. These inputs will cover: planning; preparations; initial document review; a two-week in-country mission; reporting; review; and finalisation of the evaluation documentation (and indicative work plan is provided **Section 4.4**, below).

### 7.1 APPROACH

11. The evaluation team's approach will seek to identify and clarify the assumptions made at the outset when designing the CPAP and how these were translated into a practical implementation methodology for the Project. The Team will also explore how the broadly defined theory of change found in the CPAP was translated through the Project's objective into a coherent Project design, which would lead to change (the Project's theory of change).

12. The evaluation team will also identify whether tangible steps were programmed and set against timelines with expected results, and if these changes were accurately identified and monitored. The Team will also explore whether these steps were realised and if they had the effect which was expected (and if not, why not). An *evaluation matrix* had been developed (attached in **Appendix One**) based on the detailed ToR developed by UNDP. The matrix identifies the key evaluation questions and how these will be answered in the evaluation process.

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<sup>38</sup> Impacts (as defined in the *OECD-DAC Glossary of Key Terms in Evaluation and Results Based Management 2002*), relate to: positive and negative, primary and secondary **long-term effects** produced by a development intervention, directly or indirectly, intended or unintended. Consequently, it will not be possible to assess impact as it is premature to identify *actual impacts* resulting from the interventions while implementation is ongoing.

13. To achieve valuable results the evaluation team will need to work closely with UNDP staff in Myanmar to: maximise participation; identify relevant information / data sources; and enable efficient implementation of the evaluation. Conversely, the Team will also need to ensure that actual and perceived independence is not compromised so that participants in the evaluation are comfortable with providing fair and frank feedback on the Project.

14. Furthermore, the evaluation team will ensure that all those participating in the evaluation are treated with respect and dignity. Care will be taken to provide stakeholders with interview environments which allow for open discussion and reflection on the Project, funding and management approaches. The evaluation team will open each interview with a clear and concise description of the purpose of the evaluation and the use of information and opinions provided, including their confidential nature. Evaluation participants will also be: given the time and information to decide whether or not they wish to participate in the evaluation process; and able to make an independent decision without any influence or pressure to participate.

## 7.2 METHODOLOGY

15. The methodology that the evaluation team will adopt is informed by the timeframes available for the evaluation. Consequently, a strengths-based approach will be adopted to ensure that lessons are framed in a way that is useful to UNDP and other stakeholders. Activities undertaken throughout the evaluation will meet with the Standards for Evaluation in the UN System, be informed by the UNDP Handbook on Planning, Monitoring and Evaluating for Development Results, and comply with the UNEG Code of Conduct for Evaluation in the UN System.

16. It is proposed that five key data sources will be used as the basis for data collection and subsequent triangulation of evaluation results. These are:

- v. *Project document review* - review of documents prepared by the Project / UNDP and used to provide evidence against the evaluation criteria.<sup>39</sup>
- vi. *Semi-structured Interviews* - these will be conducted based on a number of standardised questions, which will be developed to elicit responses that address the evaluation criteria.
- vii. *Discussions* - will use open questioning techniques to elicit more qualitative and contextualised information from interviewees. If group discussions are held, the evaluation team will ensure that gender and cultural considerations are taken into account when structuring these interactions.
- viii. A survey / *questionnaire*<sup>40</sup> - to ensure that the largest sample size of stakeholders possible can be reached, and to provide an opportunity for stakeholders to provide confidential feedback to assist with 'triangulating' other information gathered by the evaluation team. A survey is found in **Appendix Three**.

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<sup>39</sup> A list of documentation provided to the evaluation team for this assignment is found in **Appendix Two**.

<sup>40</sup> Given time limitations, the feasibility of developing, disseminating and collating a survey will be subject to UNDP's guidance / support. Following discussions with UNDP in-Myanmar after mobilisation it became apparent that distribution of the survey to a wide-range of counterparts would not be possible. Consequently, only limited use of this tool was able to be made.

- ix. *Review of additional data / reports* - analysis of other relevant documentation, research and international data (where available) will be undertaken to provide additional perspectives on the context relating to rule of law, access to justice, and women / vulnerable groups in Myanmar.

17. The evaluation team's approach to the ***analysis of the data and feedback gathered*** will be triangulated using (or cross-checked with) multiple sources so that the Team will be able to effectively analyse and verify the information received. The initial document review will provide key information which will be used to formulate questions for interviews and information gathering. Information and opinions elicited from interviewees will be cross-checked against other information, both written and oral, elicited during the field work, and verification of assumptions will be conducted with interviewees. The field work schedule will need to be sufficiently flexible to allow for follow-up meetings to clarify assumptions or specific information.

18. Conclusions will be reached based on a cross-checking of quantitative and qualitative data compiled. Quantitative data will be cross-checked against as many data sources as possible (multiple reports, interviews, survey [if feasible]). Qualitative data will also be cross-checked against as many data sources as possible; interview techniques will be adopted which ensure that qualitative information obtained during interviews can be verified, either through a dot point summary, or through an oral summation and clarification of understandings and assumptions made during the interview. In this way, the validity of the data collected and the credibility of the findings based on that data will be maximised.

### 7.3 CROSS-CUTTING ISSUES

19. The evaluation team will integrate cross-cutting issues in to its assessment, particularly with regards to how well the Project's interventions have supported justice sector reform initiatives that reflect the needs of diverse groups, especially women and vulnerable groups. Additionally consideration will be given whether / how effectively the Project has used human rights-based approach concepts. Based on this assessment, and the findings resulting from it, cross-cutting issues will be reflected in the Evaluation Report.

### 7.4 INDICATIVE WORK PLAN

20. Based on the ToR for the assignment, and initial discussions with UNDP, current timeframes for the various aspects of the evaluation are as follows:

Activity / Task	Indicative Timing
Undertaking document review, developing evaluation design, and drafting Evaluation Inception Report.	20-26 June, 2016
In-country Mission:	
- <i>Yangon</i> : Consultations with UNDP, donors, UN partners, and other stakeholders.	27 June- 1 July, 2016
- <i>Mandalay</i> : Consultation with Project counterparts and beneficiaries.	1-3 July, 2016
- <i>Nay Pyi Taw</i> : Consultations with key Project stakeholders and counterparts.	3-7 July, 2016

- <i>Yangon</i> : Wrap-up consultations and debriefing with UNDP management.	7-9 July, 2016
Analysis of data collected, preparation of draft report, and submission of Draft evaluation Report.	10-15 July, 2016
Finalisation of the evaluation report, and submission of Final Evaluation Report.	15-29 July, 2016

## 8.0 LIMITATIONS

21. The evaluation will be limited by a number of factors. The evaluation team will address these limitations using a practical approach. Potential limitations, with proposed responses to each, are noted below and include:

- *Availability of baseline and implementation data* - where baseline data is not available, the evaluation team will look to use available implementation data and secondary data sources to assess trends.
- *Evaluation team composition* - as noted in initial planning discussions with UNDP, the anticipated composition of the evaluation team has shifted somewhat due to the nature of available technical expertise in-country. This may have an impact on the depth of technical expertise available to this assignment. It is, however, likely that the strong contextual experience brought to the Team as a result of this situation will benefit the outcome of Evaluation.
- *Availability of interviewees* - at the time of developing this Evaluation Inception Report, a final list of consultations and interviews was not available. Consequently, a level of flexibility in the field work schedule will be needed to allow for sleeved additional or follow-up meetings to be held, if required.
- *Overall time constraints* - the evaluation team will adopt a flexible work approach. Timing-related considerations include: availability of interviewees; issues with local travel arrangements/transport; the inability to visit all pilot / areas where activities have been implemented; and responsiveness to surveys/provision of feedback. Should any serious constraints arise, the situation will be brought to UNDP's attention immediately for discussion and resolution so that the effectiveness of the Evaluation can nonetheless be maximised.

## 9.0 EVALUATION REPORT

22. The evaluation team will use the combined data and insights gathered during the document review and from the activities undertaken during the in-country Mission to inform the preparation of the draft Evaluation Report. The draft Evaluation Report will be guided by the UNDP's *Handbook on Planning, Monitoring and Evaluating for Development Results*, in particular Annex 7 of the Handbook relating to evaluation report template and quality standards. The draft Evaluation Report will be submitted to UNDP for review and feedback by 15 July, 2016. The evaluation team will submit a Final Evaluation Report incorporating relevant feedback by 29 July, 2016.

## EVALUATION MATRIX

Evaluation Criteria	Key Questions <sup>41</sup>	Specific Sample Sub-questions	Data Sources	Data collection Methods / Tools	Indicators / Success	Standard Methods for Data Analysis
<b>Relevance:</b>	To what extent is UNDP's work in rule of law and access to justice consistent with and responding to emerging national and local policies, priorities and needs of the intended beneficiaries?	<ul style="list-style-type: none"> <li>Was Project support aligned with institution's / organisation's policies and needs?</li> <li>Are planned interventions still suitable / appropriate in light of the new government's priorities / policies?</li> </ul>	Project documentation, National counterpart organisations	Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	<p><b>Qualitative data</b> - will be analysed based on a three-step process, namely:</p> <p>i) reducing the data so that patterns, observations, or 'themes' that repeatedly appear in the data can be identified;</p> <p>ii) presentation of the data in a clear and concise manner (potentially graphically, where possible or appropriate) so that patterns or themes can be easily grasped by the reader; and</p> <p>iii) developing findings or conclusions based on the implications</p>
	To what extent does this work respond to UNDP's corporate plans, the CPAP for Myanmar and to human development priorities of empowerment and gender equality issues?	<ul style="list-style-type: none"> <li>How has the Project aligned with current UNDP corporate goal(s) in Myanmar?</li> <li>Alignment between Project outputs and CPAP outcomes?</li> <li>Was policy support / capacity building / process development conducted? If 'yes' did it met identified needs?</li> </ul>	Project documentation, UNDP corporate documentation, UNDP counterparts			
<b>Effectiveness:</b>	How effective have UNDP's strategies and activities been towards achieving the program's intended results?	<ul style="list-style-type: none"> <li>Have defined outputs been achieved/progress being made towards achieving these?</li> <li>What attitudinal changes have occurred in partner / stakeholder organisations?</li> <li>Perceptions of the quality of support provided by the Project?</li> <li>How have the outcomes of Activity evaluations (e.g. of the Rule of Law Centre Pilot Project) been addressed in subsequent activities?</li> </ul>	Project progress reporting, Rule of Law Coordination Group, national partner organisations	Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	
	What observed changes in the justice sector can be attributed to	<ul style="list-style-type: none"> <li>Have activities extending into the informal justice-space provided support to minorities, etc. in realising their rights?</li> </ul>	As immediately above, beneficiaries of	Desk review, stakeholder consultations,	As identified in the (revised) Resources and	

<sup>41</sup> These *key questions* and the terminology used (in particular reference to 'program' in the key questions) are as defined in the contracted ToR for the evaluation. These have, therefore, not been altered.



Evaluation Criteria	Key Questions <sup>41</sup>	Specific Sample Sub-questions	Data Sources	Data collection Methods / Tools	Indicators / Success	Standard Methods for Data Analysis
	UNDP's activities and outputs in rule of law?	<ul style="list-style-type: none"> <li>Have results been realised with regards to <i>institutional performance</i> in partner / stakeholder organisations?</li> <li>Have results been realised with regards to <i>individual capacity</i> in partner / stakeholder organisations?</li> </ul>	the activities implemented to-date	and secondary data sources	Results Framework	of the data collected and analysed. Where possible the quantitative data will be triangulated against other data sources.
<b>Efficiency:</b>	Have resources (funds, expertise, time, staffing) available to the program been utilised in the most appropriate and economic way possible towards the achievement of results?	<ul style="list-style-type: none"> <li>Clarity in the definition and planning of the Project?</li> <li>Timeliness in the delivery of outputs?</li> <li>Efficiency in the use of UNDP and external human resources?</li> <li>Balance between expenditure on technical service delivery and managerial support?</li> </ul>	Project documentation, implementation partners, UNDP counterparts	Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	<b>Quantitative data</b> - will be analysed using relevant arithmetic approaches. The method of presentation will be selected to facilitate reader's understanding of the results and may include: simple graphic representation of numeric data in charts, use of percentages, tabulation, or weighted distribution where responses are weighted and ranked.
	How have partnerships influenced the efficiency of the program in delivering against its portfolio?	<ul style="list-style-type: none"> <li>What identifiable benefit (cost savings, improved speed of delivery, higher quality technical support) have resulted from UNDP partnering with other UN agencies and/or other organisations?</li> <li>Was the management of the Project responsive to changing needs?</li> <li>Did the Project suffer from delays in implementation? If so, why and what was done about it?</li> </ul>				
	To what degree has UNDP incorporated and fostered South-South cooperation, knowledge management, and volunteerism and UN coordination in the implementation of this program? How beneficial have these been? <sup>42</sup>	<ul style="list-style-type: none"> <li>Extent to which South-South cooperation has been undertaken?</li> <li>What changes have resulted from undertaking / participating in South-South cooperation activities?</li> </ul>	As immediately above, national partner organisations	Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	

<sup>42</sup> The ToR for the Evaluation included this key question under 'efficiency' though it may be included in an assessment of effectiveness.

Evaluation Criteria	Key Questions <sup>41</sup>	Specific Sample Sub-questions	Data Sources	Data collection Methods / Tools	Indicators / Success	Standard Methods for Data Analysis
<b>Sustainability:</b>	To what extent will the benefits of UNDP's work in this area continue?	<ul style="list-style-type: none"> <li>What examples exist of UNDP's activities being: independently undertaken by partner / stakeholder organisations; and/or receiving non-UNDP funding support?</li> <li>Are there any actions that can be taken now that will increase the likelihood that the Project's outcomes will be sustainable?</li> </ul>	Rule of Law Coordination Group, national partner organisations, UNDP counterparts	Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	
	Is the level of national ownership and the measures that serve to enhance national capacity enough to guarantee the sustainability of results?	<ul style="list-style-type: none"> <li>Have changes with regards to <i>institutional performance</i> (if any) been fully embedded in the relevant institution / organisation? And are funding / resources in place to support these changes after the completion of the Project?</li> <li>Have changes with regards to <i>individual capacity</i> (if any) been fully embedded in the relevant institution / organisation?</li> <li>Are there any areas of the Project that are clearly not sustainable?</li> </ul>				
	Is there a resource mobilisation strategy in place for the program to ensure the continuation of benefits? Are national partners contributing financial and other resources towards the continuity of the results of this program? Are there public/private partnerships in place?	<ul style="list-style-type: none"> <li>To what extent are national partners developing self-funding resources to support Project initiatives?</li> <li>Are there public / private partnerships being developed or in place between national partners and the local private sector? If no, what were the challenges / barriers to establishing these partnerships?</li> </ul>				
<b>Impact:</b> <sup>43</sup>	What benefits to beneficiaries can be directly attributed to		Project progress reporting, Rule	Desk review, stakeholder	As identified in the (revised)	

<sup>43</sup> As noted in Footnote 2, above, it will not be possible to assess impact as it is premature to identify *actual impacts* resulting from the interventions at this time, part-way through implementation.

Evaluation Criteria	Key Questions <sup>41</sup>	Specific Sample Sub-questions	Data Sources	Data collection Methods / Tools	Indicators / Success	Standard Methods for Data Analysis
	UNDP's work in rule of law and access to justice? <sup>44</sup>	<ul style="list-style-type: none"> <li>To what degree have activities in the informal justice sector / community-space enabled minorities, etc. to engage in the policy-development process and / or to realise their rights?</li> <li>How have results in <i>institutional performance</i> (if any) improved the quality of justice / access to justice in Myanmar?</li> <li>How have results in <i>individual capacity</i> (if any) improved the quality of justice / access to justice in Myanmar?</li> </ul>	of Law Coordination Group, national partner organisations, Project beneficiaries	consultations, and secondary data sources	Resources and Results Framework	
	What has the impact of UNDP's engagement in the area of rule of law been on human development and people's well-being? What are the direct or indirect, intended or unintended changes that can be attributed to UNDP's assistance? <sup>45</sup>					
	Does the program strategy apply a rights-based approach to programming?					
	To what degree has UNDP advocated for equality and inclusive development, and contributed to empowering and addressing the needs of disadvantaged groups and vulnerable populations in Myanmar?	<ul style="list-style-type: none"> <li>What are examples of UNDP advocating for equitable and inclusive development?</li> <li>What are examples of this advocacy resulting in changes in policy, processes, or actions in national partner organisations?</li> </ul>		Desk review, stakeholder consultations, and secondary data sources	As identified in the (revised) Resources and Results Framework	

<sup>44</sup> This question will be addressed as part of the discussion on 'Effectiveness'.

<sup>45</sup> This question will be addressed as part of the discussion on 'Effectiveness'.

## DOCUMENTATION PROVIDED FOR THE DOCUMENT REVIEW

2015 RoL Strategic vision updated 25 Aug  
Country Programme Action Plan June 2013  
Democratic Governance in Myanmar  
Feasibility Study - Bridges to Justice Report - 31 March 2014  
Management Response to ROLC Evaluation 120515  
Myanmar Country Programme - Mid-term Evaluation  
Overview of Justice Sector Reform in Myanmar.pptx  
Quarterly Project Progress Review Report Q1 2016 - Rule of Law and Access to Justice  
Quarterly Project Progress Review Report Q2 2015 - Rule of Law and Access to Justice  
Quarterly Project Progress Review Report Q1 2015  
Quarterly Project Progress Review Report Q3 2015 - Rule of Law Access to Justice  
Quarterly Project Progress Review Report Q4 2015 Rule of Law and Access to Justice.pdf  
RoL Activities Overview 26 Feb 2016  
RoL Coordination Matrix 2016025  
RoL A2J Project - Overview 2015  
Rule of Law - Results and Resources Framework - 2013 to 2017  
Rule of Law Annual Report - 2013  
Rule of Law Annual Report - 2014  
Rule of Law Annual Workplan - 2015  
Rule of Law Centers Expansion - Next Steps 19 May 2015  
Rule of Law Centres Pilot Project Evaluation\_Final Report\_May 9-1  
SCU Strategic Plan (advancing\_justice\_together\_english)  
Terms of Reference - Implementation of Rule of Law Centers (Phase 1)  
UN M&E Handbook  
UNDP Program Narrative - 2016 to 2017  
UNDP Guidance on Outcome-Level Evaluation 2011

## EVALUATION SURVEY FORM (AS REFINED IN DISCUSSION WITH UNDP)<sup>46</sup>

### English Language Version:

This survey forms part of an independent Evaluation of the United Nations Development Programme's (UNDP) Rule of Law and Access to Justice Output in Myanmar.

The evaluation aims to assess what has been achieved by this Output over the last 3½ years, whether the support and activities have been: relevant to the needs found in Myanmar; resulted in some positive change; efficiently implemented; undertaken in such a way as to be sustainable; and whether overall there has been a positive impact on the quality of justice in Myanmar.

All information provided to this evaluation, either through this survey or in other ways, will be treated **confidentially**. The information gathered will only be used to help the evaluation team to develop a report, without identifying individual responses or sources.

Your assistance in completing this survey is greatly appreciated as it will provide key information that will help the UNDP to continue to provide valuable support to the justice sector in Myanmar.

#### Optional questions:

**Q1. Your Organisation:** \_\_\_\_\_

**Q2. Your Role/Position:** \_\_\_\_\_

**Q3. Your Town/Location:** \_\_\_\_\_

The objective or aim of the Myanmar Rule of Law and Access to Justice Output is that:

*"Justice institutions are equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups."*

**Q4.** How relevant is this aim of "...developing the capacity to develop and implement frameworks for justice sector reform..." to your organisation's needs: (please ✓ one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←			
Not Relevant	Of Limited Relevance	Quite Relevant	Extremely Relevant →

**Q5.** How important is it that justice sector reforms reflect the needs of diverse groups, in particular women and vulnerable people in Myanmar: (please one square ✓ only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←			
Not Important	Of Limited Importance	Quite Important	Extremely Important →

**Q6.** Please list which activity / activities have you or your organisation been involved in that were supported by the Myanmar Rule of Law and Access to Justice Output is that:

\_\_\_\_\_

<sup>46</sup> Following discussions with UNDP in-Myanmar after mobilisation it became apparent that distribution of the survey to a wide-range of counterparts would not be possible. Consequently, only limited use of this tool was able to be made.

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**Q7.** How would you rate the **quality** of the support you received from these activities:  
(please ✓ one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←	→	→	→
Very Low Quality	Low Quality	Good Quality	High Quality

**Q8.** Please rate how **useful** these activities were in helping you to perform your current role better:  
(please one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←	→	→	→
Not Useful	Of Limited Usefulness	Quite Useful	Extremely Useful

**Q9.** In your experience, what is **being done differently** as a result this Output's activities?

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**Q10.** If you are doing things differently (as described above) do you think these changes have improve the **quality or accessibility of justice**? (please ✓ one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No	I don't know

**Q11.** In your view, rate whether the **openness** of formal justice sector actors (courts, Attorney General's Office, Police, etc.) has changed in the last three years:  
(please ✓ one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←	→	→	→
Become Worse	No Change	Some Improvement	Significant Improvement

**Q12.** Have there been sufficient opportunities for you / your organisation **to contribute to** defining the direction of the Output: (please ✓ one square only)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
←	→	→	→
No Opportunities	Limited Opportunities	Some Opportunities	Enough Opportunities

**Q13.** Is there anything that the Output may have done better?

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**Q14.** What are the three ***biggest challenges facing your organisation*** in improving access to justice for citizens in Myanmar over the next three years?

1. 

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2. 

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3. 

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**Q15.** Is there ***any other comment or feedback*** that you would like to give regarding the UNDP's Rule of Law and Access to Justice Output in Myanmar?

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*Thank you for your time to complete this evaluation!*

Please return your completed form to one of the evaluation team members, or email it to Mr. Lorenz Metzner the Evaluation Team Leader: [lorenzmetzner@gmail.com](mailto:lorenzmetzner@gmail.com).

***Your responses will be kept confidential!***

## မြန်မာနိုင်ငံရှိ UNDP ၏ ဥပဒေ စိုးမိုးရေးနှင့် တရားမျှတမှု လက်လှမ်းမီရရှိရေး အစီအစဉ် အပေါ် အကဲဖြတ် ဆန်းစစ်ခြင်း

မြန်မာနိုင်ငံရှိ ကုလသမဂ္ဂ ဖွံ့ဖြိုးမှု အစီအစဉ် (UNDP) ၏ တရားဥပဒေ စိုးမိုးရေးနှင့် တရားမျှတမှု လက်လှမ်းမီရရှိရေး အစီအစဉ်အပေါ် ဤစစ်တမ်း ပုံစံဖြင့် လွတ်လပ်စွာ အကဲဖြတ် ဆန်းစစ်ခြင်း တစ်ရပ်ကို ဆောင်ရွက်ခြင်း ဖြစ်ပါသည်။

လွန်ခဲ့သော သုံးနှစ်ခွဲအတွင်း ဤအစီအစဉ်က စွမ်းဆောင်ပြီးခဲ့သည်များအပေါ် အကဲဖြတ်ရန် ဤဆန်းစစ်ချက်က ရည်ရွယ်ပါသည်။ အဆိုပါ အစီအစဉ်ဖြင့် ဆောင်ရွက်သည့် အထောက်အပံ့နှင့် လုပ်ငန်းဆောင်တာများသည် မြန်မာနိုင်ငံတွင် တွေ့ရှိရသော လိုအပ်ချက်များနှင့် ကိုက်ညီမှု ရှိမရှိ၊ အပြုသဘောဆောင်သည့် အပြောင်းအလဲ အကျိုးအဆက်များကို ဖြစ်ထွန်းစေနိုင်ခဲ့ခြင်း ရှိမရှိ၊ ထိရောက်စွာ အကောင်အထည် ဖော်နိုင်ခဲ့ခြင်း ရှိမရှိ၊ ရေရှည်တည်တံ့နိုင်မည့် နည်းလမ်းဖြင့် ဆောင်ရွက်နိုင်ခဲ့ခြင်း ရှိမရှိ၊ ခြုံငုံဆိုရပါလျှင် မြန်မာနိုင်ငံတွင် တရားမျှတမှု ပြည့်ဝစွာ ရရှိခြင်းဟူသည့် ကောင်းကျိုးသက်ရောက်မှုများ ဖြစ်ထွန်းအောင် ဆောင်ရွက်နိုင်ခဲ့ခြင်း ရှိမရှိ စသည်တို့ကို ဆန်းစစ်ရန် ရည်ရွယ်ပါသည်။

ဤစစ်တမ်းဖြင့် သို့မဟုတ် အခြား နည်းလမ်းများဖြင့် ရရှိသည့် အကဲဖြတ် ဆန်းစစ်မှု အချက်အလက်များ အားလုံးကို လျှို့ဝှက်စွာ ထိန်းသိမ်းပေးပါမည်။ အကဲဖြတ် ဆန်းစစ်သည့် အဖွဲ့က အစီရင်ခံစာ တစ်စောင်ကို ရေးသားရာတွင် အထောက်အကူဖြစ်စေမည့် အချက်အလက်များကို စုဆောင်းနေခြင်းဖြစ်ပြီး တသီးပုဂ္ဂလ ပုဂ္ဂိုလ်များ၏ ဖြေကြားချက်များ အဖြစ် သို့မဟုတ် ရင်းမြစ်များ အဖြစ် ဖော်ထုတ်သွားမည် မဟုတ်ပါ။

UNDP က အနှစ်သာရရှိသည့် အထောက်အပံ့များဖြင့် မြန်မာနိုင်ငံ၏ တရားမျှတရေးကဏ္ဍတွင် ဆက်လက် အားဖြည့်နိုင်ရန် အထောက်အကူဖြစ်စေမည့် အဓိကအချက်အလက်များကို ဤစစ်တမ်းတွင် ဖြည့်စွက်ဖြေဆိုပေးပါသော လူကြီးမင်း၏ ကူညီမှုကို အထူး ကျေးဇူးတင်ပါသည်။

### ဖြေဆိုလိုမှသာ ဖြေဆိုပေးပါရန် မေးခွန်းများ

မေးခွန်း (၁) သင့် အဖွဲ့အစည်း \_\_\_\_\_

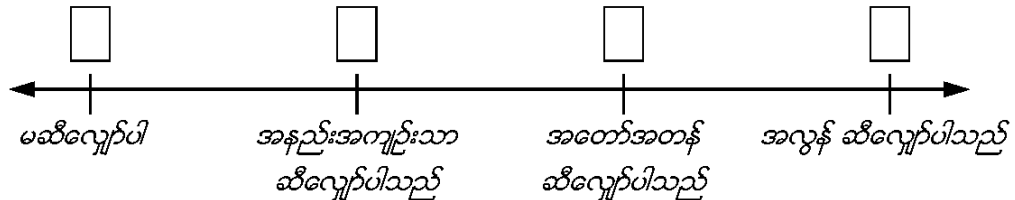
မေးခွန်း (၂) သင့် ရာထူး/အလုပ်အကိုင် \_\_\_\_\_

မေးခွန်း (၃) သင့် ဖွဲ့နယ်/ဒေသ \_\_\_\_\_

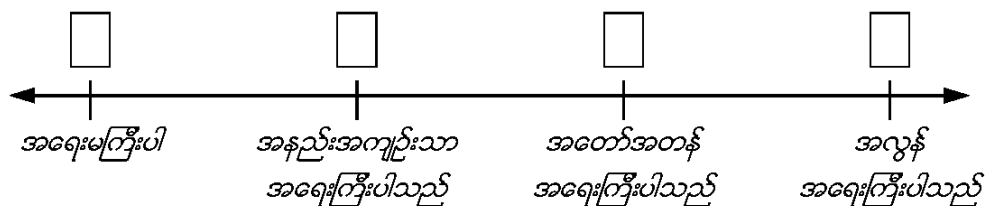
မြန်မာနိုင်ငံရှိ တရားဥပဒေ စိုးမိုးရေးနှင့် တရားမျှတမှု လက်လှမ်းမီရရှိရေး အစီအစဉ်၏ ဦးတည်ချက် သို့မဟုတ် ရည်မှန်းချက်မှာ “အထူးသဖြင့် အမျိုးသမီးများနှင့် မိမိဘဝရပ်တည်ရန် ခက်ခဲသော အုပ်စုများ အစရှိသည့် မတူကွဲပြား အုပ်စုများ၏ လိုအပ်ချက်များကို ထင်ဟပ်မည့် တရားမျှတရေးကဏ္ဍ ပြုပြင်ပြောင်းလဲနိုင်ရန် အတွက် မူဘောင်များကို ဖော်ဆောင်ပြီး အကောင်အထည်ဖော်ပေးမည့် တရားမျှတရေး အဖွဲ့အစည်းများကို အသင့်ပြင်ဆင်ပြည့်စုံထားရှိခြင်း ဖြစ်သည်။”



**မေးခွန်း (၄)** “တရားမျှတရေးကဏ္ဍ ပြုပြင်ပြောင်းလဲရန် မူဘောင်များကို ဖော်ဆောင်ခြင်းနှင့် အကောင်အထည်ဖော်နိုင်မည့် စွမ်းရည် တည်ဆောက်ခြင်း...” ဟူသော ရည်မှန်းချက်သည် သင့် အဖွဲ့အစည်း၏ လိုအပ်ချက်များနှင့် မည်မျှ ဆီလျော် ကိုက်ညီပါသနည်း။ (လေးထောင့်ကွက် တစ်ကွက်ကိုသာ ✓ အမှတ်အသား ခြစ်ပေးပါ)



**မေးခွန်း (၅)** အထူးသဖြင့် အမျိုးသမီးများနှင့် မိမိဘဝရပ်တည်ရန် ခက်ခဲသော အုပ်စုများ အစရှိသည့် မြန်မာနိုင်ငံရှိ မတူကွဲပြား အုပ်စုများ၏ လိုအပ်ချက်များကို ထင်ဟပ်မည့် တရားမျှတရေး ကဏ္ဍ ပြုပြင်ပြောင်းလဲရေးသည် မည်မျှ အရေးကြီးပါသနည်း။ (လေးထောင့်ကွက် တစ်ကွက်ကိုသာ ✓ အမှတ်အသား ခြစ်ပေးပါ)



**မေးခွန်း (၆)** သင်ကိုယ်တိုင် သို့မဟုတ် သင့် အဖွဲ့အစည်းက ပါဝင်ခဲ့ဖူးသည့် မြန်မာနိုင်ငံ၏ တရားဥပဒေ စိုးမိုးရေးနှင့် တရားမျှတမှု လက်လှမ်းမှီရေး အစီအစဉ်ဖြင့် ကူညီထောက်ပံ့ပေးခဲ့သော ဆောင်ရွက်ချက်/များကို စာရင်းပြု ဖော်ပြပေးပါ။

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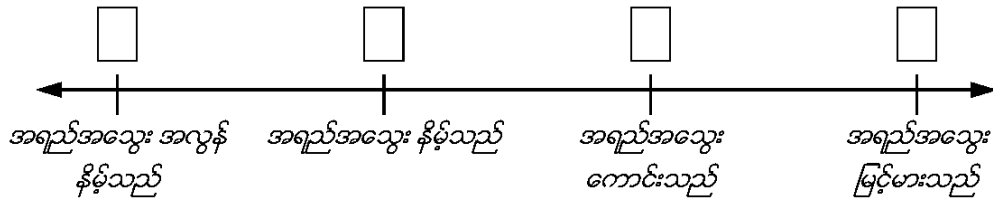


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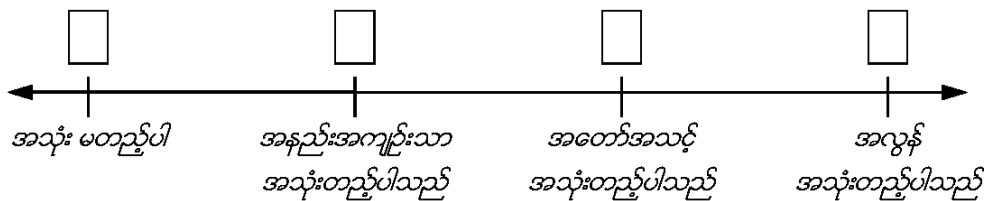


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**မေးခွန်း (၇)** သင်ပါဝင်ခဲ့ဖူးသည့် အထက်ပါ ဆောင်ရွက်ချက်များ၏ **အရည်အသွေး** ကို မည်ကဲ့သို့ အကဲဖြတ် သတ်မှတ်လိုပါသနည်း။ (လေးထောင့်ကွက် တစ်ကွက်ကိုသာ ✓ အမှတ်အသား ခြစ်ပေးပါ)



**မေးခွန်း (၈)** သင်၏ လက်ရှိ စွမ်းဆောင်ချက်များ ပိုမိုကောင်းမွန်လာစေရန် ကူညီပေးခဲ့သည့် အဆိုပါ အထောက်အပံ့ ဆောင်ရွက်ချက်များ၏ **အသုံးတည့်မှု** အပေါ် မည်ကဲ့သို့ အကဲဖြတ် သတ်မှတ်လိုပါသနည်း။ (လေးထောင့်ကွက် တစ်ကွက်ကိုသာ ✓ အမှတ်အသား ခြစ်ပေးပါ)



**မေးခွန်း (၉)** အဆိုပါ အစီအစဉ်၏ ဆောင်ရွက်ချက်များကြောင့် အကျိုးဆက်များအဖြစ် မည်သည်တို့ကို **ပိုမိုကောင်းမွန်အောင် ပြောင်းလဲ ဆောင်ရွက်** နေပါသနည်း ဆိုသည်ကို သင်၏ အတွေ့အကြုံ အရ ဖော်ပြပေးပါ။

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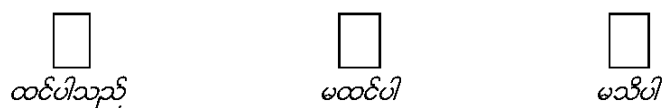


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**မေးခွန်း (၁၀)** (အထက်ပါ ဖော်ပြချက်အရ) သင့်အနေဖြင့် ပိုမိုကောင်းမွန်အောင် ပြောင်းလဲ ဆောင်ရွက်နေပါက၊ အဆိုပါ အပြောင်းအလဲများသည် တရားမျှတမှု အရည်အသွေး သို့မဟုတ် လက်လှမ်းမီရရှိရေး အပေါ် ပိုမိုတိုးတက်ကောင်းမွန်လာစေသည်ဟု ထင်ပါသလား။ (လေးထောင့်ကွက် တစ်ကွက်ကိုသာ ✓ အမှတ်အသား ခြစ်ပေးပါ)



☐ ☐ ☐ ☐

ပိုဆိုးရွားလာသည်      အပြောင်းအလဲ မရှိပါ      တိုးတက်မှုအချို့ ရှိပါသည်      သိသိသာသာ တိုးတက်လာသည်

☐ ☐ ☐ ☐

အခွင့်အလမ်းများ မရှိပါ      အခွင့်အလမ်းများ အကန့်အသတ်ဖြင့် ရှိပါသည်      အခွင့်အလမ်း အချို့ ရှိပါသည်      လုံလောက်သည့် အခွင့်အလမ်းများ ရှိပါသည်

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2. \_\_\_\_\_
3. \_\_\_\_\_



**မေးခွန်း (၁၅)** UNDP ၏ မြန်မာနိုင်ငံရှိ ဥပဒေ စိုးမိုးရေးနှင့် တရားမျှတမှု လက်လှမ်းမီရေး အစီအစဉ်အပေါ် မည်သည့် အခြား သုံးသပ်ချက် သို့မဟုတ် အကြံပြုချက် တို့ကို ပေးပေးလိုပါသနည်း။

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ဤအကဲဖြတ် ဆန်းစစ်ချက်များကို အချိန်ပေးပြီး ဖြေဆိုပေးသည့် အတွက် ကျေးဇူးတင်ပါသည်။

ဖြည့်စွက် ဖြေဆိုပြီးသွားသော ဤပုံစံကို အကဲဖြတ် ဆန်းစစ်ရေး အဖွဲ့ဝင် တစ်ဦးဦးထံ ပြန်လည် ပေးပို့ပါ။ သို့မဟုတ် အကဲဖြတ် ဆန်းစစ်ရေး အဖွဲ့ခေါင်းဆောင် ဖြစ်သည့် Mr. Lorenz Metzner ထံ ၎င်း၏ အီးမေးလ် [lorenzmetzner@gmail.com](mailto:lorenzmetzner@gmail.com) သို့ ပေးပို့ပါ။

**သင့် အဖြေများကို လျှို့ဝှက်ချက်များအဖြစ် စောင့်ထိန်းပေးပါမည်။**

## Annex Two: TERMS OF REFERENCE FOR THE EVALUATION OF THE UNDP RULE OF LAW AND ACCESS TO JUSTICE PROJECT IN MYANMAR

### United Nations Development Programme



### TERMS OF REFERENCE

#### EVALUATION OF THE UNDP RULE OF LAW AND ACCESS TO JUSTICE PROGRAM IN MYANMAR

Assignment Title	Team Leader: Independent Evaluation
Type of Contract	Individual Contract (International)
Start/End Dates	27 June - 25 July 2016
Estimated working days	25 days
Supervisor	Program Specialist, Rule of Law and Access to Justice
Location	Home-based with travel to Yangon, Nay Pyi Taw and other locations in Myanmar
Country	Myanmar

#### A. PURPOSE OF THE EVALUATION

In line with the evaluation plan for the UNDP Myanmar Country Office, UNDP is commissioning an evaluation of its Rule of Law and Access to Justice Program. This evaluation comes beyond the halfway point of the Country Program Action Plan (CPAP) for the Country Office which covers the period 2013 - 2017 and is intended to provide recommendations for the remainder of the program cycle as well as for UNDP's next country program. The evaluation is expected to analyze the impact that UNDP's assistance in the area of rule of law has had in Myanmar, identify problems and constraints that have been encountered in program implementation, identify important lessons to be learned, and make recommendations for future program implementation. The evidence and information generated from this evaluation should enable managers to make informed decisions and plan strategically for program improvements or expansion, knowledge generation about UNDPs work in rule of law and access to justice and ensure accountability of results and resources.

#### B. BACKGROUND AND CONTEXT

Since 2013, UNDP's rule of law and access to justice program has grown from opportunistic and ad hoc engagements, to being able to see the contours of the challenges and opportunities in promoting justice sector reform in Myanmar. The mapping study carried out in 2013 confirmed commonly expressed assertions of the near absence of public confidence in justice institutions and the legal profession, due to widespread corruption, political influence and arbitrary enforcement and interpretation of outdated and unfair laws. Ordinary people seek their remedies elsewhere, particularly if they are poor or marginalized, or if their claims touch on powerful economic, political or government interests. Victims of gender-based violence, for example, have few formal or informal justice options available and warrant particular focus. The mapping also found that many justice sector officials recognize the legacy left behind by decades of military rule, in which under-resourced and poorly trained justice institutions are struggling against increasing public complaints made possible in the new climate of openness.

Against this background, UNDP has sought to build institutional relationships through which to open conversations about making justice service delivery more functional, accessible and fair. At the institutional level, UNDP's support has grown from ad hoc support to single activities, to working with government to plan and identify challenges and opportunities in promoting comprehensive sector-wide development and reform in the country. Institutional relationships established since 2013, now increasingly allow for open conversations about making justice service delivery more functional, efficient, accessible and fair. At the local level UNDP continues to support the increase of awareness and knowledge of rule of law principles and justice issues, particularly in respect to vulnerable populations. Building on foundations laid in 2013 and 2014, there has been progress made in justice sector strategic planning and coordination and important developments in policy and law reform on key justice issues, including legal aid and violence against women. While coordinated sector level planning has faltered due to a lack of clear political leadership and mandate, there have been selected examples in which various actors have come together, including through the Coordinating Body on Rule of Law Centers, joint training sessions, legislative development workshops, and regional roundtable discussions. Progress has been made in the development of individual institutional plans which build planning skills and knowledge for future justice sector coordination and reform.

UNDP's assistance to justice sector institutions has been structured around the key areas of: planning and coordination for a justice sector reform strategy that ensures access to justice for vulnerable groups; improving government recognition of the need for adequate participation from those affected to ensure laws respond to public needs; and equipping judicial officials and law officers with the skills and tools they need in order to administer justice in accordance with international human rights standards. UNDP has seen significant results during 2015 that lay important foundations as Myanmar's transition enters its next phase. Looking ahead, the new government has already identified rule of law and judicial reform as a major priority which opens the possibilities for more significant progress on both structural and operational reforms, including in the areas of legal aid and judicial independence and accountability.

### C. SCOPE

The UNDP Myanmar Rule of Law and Access to Justice Program is implemented in direct response to the following output under the Country Program Action Plan: "Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups". The evaluation is intended to assess the degree to which UNDP has been able to deliver against this output, and the strategies and implementation mechanisms being applied in program implementation.

The evaluation will consider UNDP's engagement in rule of law since the inception of the program in 2013 and will cover the geographic locations where the program has presence namely: Nay Pyi Taw, Mandalay Region (Mandalay), Shan State (Taunggyi) and Kachin State (Myitkyina) and Yangon Region (Yangon).

The evaluation is expected to take into consideration, the feedback garnered from justice sector actors including but not limited to: justice institutions employees, government counterparts, implementing partners (national and international), legal professionals, civil society organizations, UNDP staff and management, donor representatives, UNDP program teams under the democratic governance portfolio and across the other thematic areas of local governance and environmental sustainability, and collaborating UN agencies. The evaluation will also assess the current program structure currently in place to provide support to the new government which has a strong commitment to rule of law and justice sector reform.

### D. EVALUATION OBJECTIVES AND CRITERIA

This evaluation is intended to provide UNDP with an objective assessment of UNDP's work in the area of rule of law in delivering against results articulated in the Country Program Action Plan (CPAP) for Myanmar to date and provide clear recommendations for the rest of the current program cycle and recommendations for the future direction of any new program interventions. The findings of the evaluation should:

- Provide guidance on the current state of the program intervention in order to inform future decisions regarding the strategic direction of the program and a possible future program; Assess whether the current focus areas that the program is engaged in are the most relevant for justice sector reform in Myanmar
- Assess whether the UNDP program is well positioned to effectively and efficiently support the vision and priorities of the new government
- Provide recommendations on how the gains and progress made with the institutions in Nay Pyi Taw can be effectively decentralized so that ‘trickle down’ effects can be recorded at state/regional/local level; and results attributed to this higher level engagement
- Assess the extent to which the program has addressed the issues of gender inclusion, women’s equality and empowerment, and the extent to which gender perspectives have been mainstreamed into the design and implementation of the program; Assess the degree to which UNDP has contributed to strengthening the application of these principles in the justice sector in Myanmar
- Identify any activities which should be expanded; and any ‘quick win’ initiatives that UNDP should engage in; determine whether there are certain activities that UNDP should not be engaged in or pursue
- Provide clear recommendations for the next UNDP Country Program in the rule of law/justice result area
- Identify risk factors that may hinder progress and propose risk mitigation/management strategies to ensure success and effective implementation

The evaluation will be guided by the following criteria and questions:

**Relevance:**

- 1) To what extent is UNDP’s work in rule of law and access to justice consistent with and responding to emerging national and local policies, priorities and needs of the intended beneficiaries?
- 2) To what extent does this work respond to UNDP’s corporate plans, the Country Program Action Plan (CPAP) for Myanmar and to human development priorities of empowerment and gender equality issues?

**Effectiveness:**

- 1) How effective have UNDP’s strategies and activities been towards achieving the program’s intended results?
- 2) What observed changes in the justice sector can be attributed to UNDP’s activities and outputs in rule of law?

**Efficiency:**

- 1) Have resources (funds, expertise, time, staffing) available to the program been utilized in the most appropriate and economic way possible towards the achievement of results?
- 2) How have partnerships influenced the efficiency of the program in delivering against its portfolio?
- 3) To what degree has UNDP has incorporated and fostered South-South cooperation, knowledge management, and volunteerism and UN coordination in the implementation of this program? How beneficial have these been?

**Sustainability:**

- 1) To what extent will the benefits of UNDP’s work in this area continue?
- 2) Is the level of national ownership and the measures that serve to enhance national capacity enough to guarantee the sustainability of results?
- 3) Is there a resource mobilization strategy in place for the program to ensure the continuation of benefits? Are national partners contributing financial and other resources towards the continuity of the results of this program? Are there public/private partnerships in place?

**Impact:**

- 1) What benefits to beneficiaries can be directly attributed to UNDP's work in rule of law and access to justice?
- 2) What has the impact of UNDP's engagement in the area of rule of law been on human development and people's well-being? What are the direct or indirect, intended or unintended changes that can be attributed to UNDP's assistance?
- 3) Does the program strategy apply a rights-based approach to programming?
- 4) To what degree has UNDP advocated for equality and inclusive development, and contributed to empowering and addressing the needs of disadvantaged groups and vulnerable populations in Myanmar?

**E. EXPERTISE REQUIRED**

The evaluation team will be comprised of two (2) persons with the skills, knowledge and expertise detailed below:

**1. International Evaluation Specialist (Team Leader)**

- Master's degree in law, political science, development studies or a Bachelor's degree with additional 7 years' experience in development studies, political science or related field
- Proven expertise and experience in conducting several evaluations and Project/program assessments
- Knowledge and demonstrable experience in the field of rule of law and access to justice; including with UNDP is an asset
- Technical knowledge and experience in UNDP thematic areas, specifically in rule of law, and cross cutting issues such as gender, rights-based approaches to programming and capacity development is an asset
- Prior experience of working in Myanmar on justice issues is strongly desirable
- Strong analytical skills
- Strong interpersonal skills
- Ability to work in a multicultural environment
- Strong English language skills (both written and spoken)

**2. National Evaluation Consultant (Team Member)**

- Master's degree in law, political science, development studies or a Bachelor's degree in these (or related) fields with additional 3 years' experience
- Knowledge and demonstrable experience in the field of rule of law and access to justice is highly desirable
- Proven expertise and experience in conducting evaluations and Project/program assessments is highly desirable
- Fluency in spoken and written Myanmar language
- Excellent command of the English language (written and spoken) is required
- Strong analytical skills
- Myanmar national

The Team Leader will be responsible for:

- Providing overall leadership on the independent evaluation of the UNDP Rule of Law Program based on inputs and insights from the national consultant
- Conducting desk reviews of relevant documents and interview with government partners, UN / UNDP staff, donors and other partners
- Reviewing the relevance, effectiveness, efficiency, sustainability, value-added and impact of UNDP's Rule of Law Program in Myanmar
- Identifying whether or not UNDP has achieved its intended results (based on the strategic outcomes and workplans)

- Ensuring completion of all the deliverables outlined below: evaluation inception report, draft evaluation report, evaluation brief (if required) and final evaluation report

The Team Member will be responsible for:

- Providing inputs and insights (based on the context of justice and rule of law in Myanmar) to the independent evaluation of UNDP's Rule of Law Program in Myanmar
- Participating in meetings with governments counterparts, UN/UNDP staff, donors and other partners with the Team Leader
- Providing support and assistance to finalize the mission agenda, meetings and required visits
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report
- Providing Myanmar language interpretation and translation for meetings as required, in order to ensure clear communication between the international consultant and meeting participants

## F. DELIVERABLES

The evaluation team will be expected to produce the following deliverables:

1. Evaluation Inception Report: Prior to embarking on the data collection exercise, the evaluation team will be required to prepare an inception report which details the understanding of what is being evaluated and why; and how it proposes to answer the evaluation questions.
2. Draft Evaluation Report: The team will be required to submit a draft evaluation report for review to UNDP to ensure that it meets the required quality criteria.
3. Evaluation Brief: If required, the team will be requested to present the initial findings and recommendations of the report to UNDP, Myanmar government counterparts, donors, and other justice sector development partners, as appropriate.
4. Final Evaluation Report: Following receipt of UNDP's initial comments, the team will be required to submit a final report which clarifies and addresses any clarifications requested in the initial review. The report should clearly

## G. MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

- The consultants will report to the Program Specialist, Rule of Law/Access Justice on a weekly basis as work against deliverables progresses. They will be accountable to UNDP on the timeliness and quality of the deliverables.
- The consultants will be required to conduct interviews with UNDP staff, government counterparts, implementing partners, donor representatives, justice sector actors, and other parties relevant to this evaluation, as identified by UNDP
- The consultants are expected to work closely and collaboratively with UNDP staff in Yangon, Nay Pyi Taw, Mandalay, Taunggyi and Myitkyina for the duration of this assignment
- UNDP will secure government (and other counterpart) cooperation for this assignment, including visas and travel authorization
- UNDP will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries
- The consultants will be entitled to apply for reimbursement of costs associated with necessary work-related in-country travel in accordance with UNDP's travel policy
- The consultants are responsible for providing their own laptop computers and mobile phones for use during this assignment

UNDP will also provide the following support as appropriate:

- Substantive inputs to and quality control of deliverables
- Administrative and logistical support with travel and transport arrangements, visas, and processes necessary for successful completion of the assignment
- UNDP will arrange the consultants' in-country work-related travel
- UNDP will provide office/work space to the consultants while in Myanmar



#### H. DUTY STATION

- a) This consultancy will be home-based with mission travel to some of the locations in Myanmar as deemed appropriate for the purpose of this evaluation: Yangon, Nay Pyi Taw
- b) The consultants may be required to travel to other locations in Myanmar for the purposes of this evaluation. This will be determined by the Program Specialist, Rule of Law/Access to Justice

#### I. TIMEFRAME

- a) The contract will come into effect on 20 April 2016 and end on 31 May 2016
- b) The consultant will work for a period of **25 work days** within the dates indicated as per the tentative schedule below:
  - a. Home-based work: **5 days (20 April - 26 April)**
    - i. Preparation for mission, review of background documents
  - b. Mission to Myanmar: **14 days (28 April - 11 May)**
    - i. Field visits, interviews, etc
    - ii. Presentation of initial findings and recommendations to UNDP and selected audiences
  - c. Home-based work: **7 days (13 May - 21 May)**
    - i. Finalization of report
    - ii. Submission of final report: **22 May**

#### J. COST

Interested persons are requested to submit their financial proposals as a **lump sum amount** noting the following conditions:

- 1) The lump sum amount must be “all-inclusive” and further broken down by category as detailed below
  - a. *All costs (professional fees, travel costs, living allowances, communications, consumables, etc) required to perform the demands of the TOR must be incorporated in the financial proposal*
- 2) The contract price is fixed regardless of changes in the cost components
- 3) The consultant will be entitled to a full fare economy class return ticket in order to travel to/from Myanmar to fulfill the requirements of this terms of reference

The consultant will be paid according to the completion of deliverables as detailed below:

	Deliverables/ Outputs	Target Due Dates	Percentage of Contract
1	Upon arrival in Myanmar and preliminary meetings held with UNDP and partner institutions - To cover flight costs and initial costs of living in Myanmar	28 April 2016	20%
2	Presentation of initial findings and draft report to UNDP	10 May 2016	30%
3	Submission of Final Evaluation Report	22 May 2016	50%
	<b>Total</b>		<b>100%</b>

#### K. RECOMMENDED PRESENTATION OF OFFER:

Interested persons are requested to submit the following documents:

- 1) **Letter of Confirmation of Interest and Availability** using the template provided by UNDP
- 2) **Personal CV** indicating all past experience as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references
- 3) **One page proposal** with two (2) constructive proposed recommendations for future UNDP rule of law and access to justice programming in Myanmar based on general knowledge of justice programming, and previous experience in Myanmar and/or post conflict and transitional contexts

- 4) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided by UNDP

#### L. CRITERIA FOR SELECTION OF THE BEST OFFER

The following criteria shall serve as basis for evaluating offers:

- Combined Scoring Method - where the qualifications and methodology will be weighted a maximum of 70% and combined with the price offer which will be weighted a maximum of 30%
- Applications will be scored as per the following breakdown:
  - Educational background and years of relevant experience - 10 points
  - Relevant experience and expertise in rule of law programming and access to justice- 20 points
  - Prior experience of working in Myanmar and/or transitional contexts - 20 points
  - Proven expertise and experience in conducting evaluations and Project/program assessments - 20 points
  - One page proposal with two proposed recommendations - 30 points
  - Financial proposal - 30 points

#### M. EVALUATION ETHICS

This evaluation will be conducted in accordance with the principles outlined in the United Nations Evaluation Group Ethical Guidelines for Evaluation (2008) and the UNEG Code of Conduct for Evaluation in the UN System'. See attached annexes for reference.

#### N. ANNEXES - REFERENCE DOCUMENTS

1. Access to Justice Mapping (2013)
2. Mid Term Evaluation of the UNDP Myanmar Country Program (2015)
3. Democratic Governance Analysis in Myanmar
4. Rule of Law/Access to Justice Annual Workplans (2013 - 2016)
5. Rule of Law/Access to Justice reports (2013 - 2015)
6. UNDP Democratic Governance 'Theory of Change'
7. Rule of Law and Access to Justice Results and Resources Framework (2014 - 2017)
8. UNEG Ethical Guidelines for Evaluation / Code of Conduct (2008)

#### O. APPROVAL

**This TOR is approved by:** Emma Morley, Team Leader, Democratic Governance

## Annex Three: LIST OF CONSULTATIONS DURING THE IN-MYANMAR MISSION

The following organisations, groups, and individuals were consulted over the course of the in-Myanmar mission (27 June-8 July, 2016):

- Advocate General's Office, Mandalay: Chief of Staff - Advocate General Office, Regional Law Officer, District Law Officer
- Constitutional Tribunal, Director General (Former Director General at UAGO)
- Funding partners / donors: Australia, Denmark, Finland, and Sweden
- High Court, Mandalay: Chief Justice, Regional Judicial Officer
- IDLO, Capacity Development Expert
- JICA, Legal Adviser
- Law Students / RoLC Graduates (group discussion)
- Lead Consultant - Access to Justice Mapping
- Legal Clinic Myanmar
- Myanmar Justice Association (group discussion)
- Rule of Law Centre, IDLO Field Project Manager; National Program Manager
- Rule of Law Centre, Yangon staff and graduates (senior lawyer, CSO representative, and law lecturer)
- Rule of Law Coordination Meeting (Observation)
- Team Leader, Clinical Legal Education Program, BABSEACLE
- UN Volunteers, Mandalay and Taunggyi
- UNDP Chief Technical Advisers: Rule of Law (former), Public Administration Reform; Parliamentary Reform UNDP Country Director
- UNDP Democratic Governance, Team Leader
- UNDP Monitoring and Evaluation Specialist
- UNDP Programme Specialist - Civil Society and Media
- UNDP Rule of Law National Officers, Mandalay and Nay Pyi Taw
- UNDP Rule of Law Program Specialist
- UNDP Rule of Law Team, Yangon
- Union Attorney General's Office: Permanent Secretary; Director General, Prosecution Department; Director General, Legislative Vetting Department; Deputy Director General, Administration Department; Deputy Director General, Legal Advice Department; Director, Writ division; Deputy Director & Team Leader, Policy & Planning Unit
- Union Supreme Court: Deputy Director General at Administration Department; Director at Research & International Relationship Division; Director at Training Division; Deputy Director at Research & International Relationship Division
- United Nations Office on Drugs and Crime: Police Consultant
- University Law Professors (group discussion)
- Volunteer, Nay Pyi Taw
- Yangon Justice Center

## Annex Four: COMPARISON OF ORIGINAL OUTPUT STRUCTURE AND CURRENT OUTPUT STRUCTURE

### Output 3: Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups

Sub-outputs CPAP 2013	Sub-outputs RRF 2015	Indicative Activities in Country Action Plan	Indicative Activities as per Revised Results and Resources Framework
<b>Sub-output 1:</b> Strengthened institutional capacity to coordinate, formulate and implement a comprehensive (nationally owned and multi-stakeholder-driven) gender responsive policy and strategy for the justice sector	<b>Focus area 1:</b> Coordination capacity	<b>4. Activity Result: Capacity built for inclusive and participatory coordination, planning and policy making in the justice sector.</b>	<b>1.1 Activity Result: Capacity built for participatory coordinated planning and policy making in the justice sector.</b>
		<b>Actions</b>	<b>Actions</b>
		<ul style="list-style-type: none"> <li>Workshops for development of a vision for the Justice Sector with all relevant partners (courts, Attorney General, police, prisons, National Human Rights Commission, parliament, officially registered civil society)</li> </ul>	<ul style="list-style-type: none"> <li>Workshops organised for discussing development of a vision for the Justice Sector with all relevant partners (such as the Office of the Supreme Court of the Union, Union Attorney General's Office, police, prisons, National Human Rights Commission, parliament, registered civil society organisations)</li> </ul>
		<ul style="list-style-type: none"> <li>Provide technical and Secretariat support for justice sector working group</li> </ul>	<ul style="list-style-type: none"> <li>Provide technical and Secretariat support for justice sector coordination mechanism</li> </ul>
		<ul style="list-style-type: none"> <li>Training and capacity development for planning and policy making in the justice sector</li> </ul>	<ul style="list-style-type: none"> <li>Training and capacity development for planning and policy making in the justice sector</li> </ul>
		<ul style="list-style-type: none"> <li>Consultative dialogues with all actors, including officially registered civil society organizations, for priorities and strategies for the justice sector</li> </ul>	<ul style="list-style-type: none"> <li>Consultative dialogues with all actors, including registered civil society organizations, for priorities and strategies for the justice sector</li> </ul>
		<ul style="list-style-type: none"> <li>National Workshop to present and validate national justice sector policy</li> </ul>	-
		<ul style="list-style-type: none"> <li>Strengthen or develop national justice oversight mechanisms to monitor progress of justice sector strategy implementation</li> </ul>	-
		<ul style="list-style-type: none"> <li>Support communication strategy for public information and communication on justice sector developments</li> </ul>	<ul style="list-style-type: none"> <li>Support communication strategy for public information and communication on justice sector developments</li> </ul>
		<b>5. Activity Result: Inclusive and participatory legislative review.</b>	<b>1.2 Activity Result: Capacity built for participatory / coordinated legislative review/drafting.</b>
		<b>Actions</b>	<b>Actions</b>
		<ul style="list-style-type: none"> <li>Review key areas of legislation especially in relation to the most vulnerable, women and people living with or affected by HIV and identify and support revisions, in cooperation with key officially registered CSO organisations and other stakeholders</li> </ul>	-
		<ul style="list-style-type: none"> <li>Support legal measures for improving access to justice including a legal aid law</li> </ul>	-
		<ul style="list-style-type: none"> <li>Advise the Attorney General's Office on legal and legislative drafting including specific thematic expertise as required</li> </ul>	<ul style="list-style-type: none"> <li>Advise the Union Attorney General's Office, Office of the Supreme Court of the Union, relevant ministries and parliamentary staff on legislative drafting including on specific thematic area, as required</li> </ul>

<b>Sub-output 2:</b> Enhanced capacity of justice actors for the development of a justice system that upholds the rule of law, protects human rights, promotes gender equality and improves access to justice, including through laws and regulations that are in conformity with the Constitution and international human rights standards, in conformity with the Conventions ratified by Myanmar.		<b>6. Activity Result: Case management system options developed and piloted.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Diagnosis of justice sector case management procedures, workflows, IT infrastructure in pilot facilities</li> <li>• Study tour for analysis of good examples of case management systems organized</li> <li>• Develop integrated case management system</li> </ul>	<b>1.3 Activity Result: (Coordinated) Case management system options developed.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Diagnosis of justice sector case management procedures, workflows, IT infrastructure in pilot facilities</li> <li>• Study tour for analysis of good examples of case management systems organized</li> <li>• Support for strengthening case management systems in the justice institutions, including through facilitating provision of external assistance</li> </ul>
		<ul style="list-style-type: none"> <li>• Pilot case management system to assess compatibilities</li> </ul>	-
		<ul style="list-style-type: none"> <li>• Improve and finalize case management system and pilot in three states</li> </ul>	-
	<b>Focus Area 2:</b> Training and Capacity Development	<b>7. Activity Result: Capacity Development Plan for the justice sector developed.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Conduct capacity building analysis and develop (human resources) capacity plan for the justice sector with all national partners</li> <li>• Support the review of the training curricula of training Center</li> </ul>	<b>2.1 Activity Result: Capacity Development Plan for the justice sector actors developed.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Support the mapping of capacity</li> <li>• Support the development of a capacity plan for the justice sector actors including a training framework</li> <li>• Support the review of the curricula of justice sector training institutions/centres</li> </ul>
		<b>8. Activity Result: Capacity Development Plan implemented.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Provide relevant training centres (Judicial, prosecutor's and police) with books, materials and (limited) equipment to fulfil their tasks effectively</li> <li>• Provide training on research, policy and legislative drafting techniques for Office of the Union Supreme Court, AGO, and relevant Parliament committees</li> <li>• Provision of on-the-job mentoring in justice facilities of pilot states including for police actors</li> <li>• Support south-south exchanges and other capacity building initiatives with peer organisations on human rights (in conformity with the Conventions that Myanmar ratified) gender equality and women's rights, access to justice, judicial independence and accountability</li> <li>• Develop and implement training plan for the new case management system</li> <li>• Establish and support prosecutorial performance monitoring systems</li> </ul>	<b>2.2 Activity Result: Capacity Development Plans implemented.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Provide relevant training centres (Judicial, prosecutor's and police) with books, materials and (limited) equipment to fulfil their tasks effectively</li> <li>• Provide training on research, policy and legislative drafting techniques for Union Attorney General's Office and the Office of the Supreme Court of the Union</li> </ul>
		-	-
		-	-
		-	<ul style="list-style-type: none"> <li>• Support measures/capacity development for improving access to justice including through contributing to discussions around a legal aid law or policy</li> </ul>

			<b>2.3 Activity Result: Universities understand and implement clinical legal education as part of their curricula.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Organise workshops on clinical legal education</li> <li>• Support south-south exchange on clinical legal education</li> <li>• Support the formation of a network of Universities on clinical legal education</li> <li>• Support the inclusion of clinical legal education as part of the University curricula</li> </ul>
<b>Sub-output 3:</b> <b>Increased service delivery at the local level focusing on the rights of women and the rights of the most vulnerable, in target states/regions and in selected townships</b>  <b>Sub-output 4</b> <b>Empowerment of women and vulnerable groups in selected pilot states/regions to claim and have their rights adjudicated and grievances remedied</b>	<b>Focus area 3:</b> <b>Expanding Access to Justice</b>	<b>9. Activity Result: Baseline assessments of justice service delivery in pilot states/regions completed.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Conduct mapping (including geographical map by MIMU) of justice service provision including CSOs and CBOs (linked with mapping implemented by Pillar 1)</li> <li>• Conduct a baseline analysis on status of facilities, legal and procedural obstacles in case management systems, and specifically focusing on barriers to women and vulnerable groups.</li> <li>• Conduct baseline analysis (numbers, competency, geographical spread, etc.) and capacity building analysis of some of the relevant justice sector actors in the states</li> <li>• Establish and manage a decentralization fund to support justice and police sector facilities (and emergent police equipping) with logistical and operational bottlenecks including contracting of interpreters for court proceedings</li> <li>• Provide training for court and police actors</li> <li>• Support establishment and functioning of the Rule of Law Coordination Committees (linked to sub-output 1) at local level</li> </ul>	<b>3.1 Activity Result: Mapping of justice service delivery in pilot states/regions completed.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Conduct mapping of justice service provision (linked with mapping implemented by Pillar 1)</li> </ul>
			-
			• Mapping (numbers, competency, geographical spread, etc.) of relevant justice sector actors in the states/regions
			-
			-
			-
		<b>10. Activity Result: Justice service delivery expanded.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>• Establish Legal Aid Centre (or access to justice mechanism TBD by A2J assessment) which includes:</li> </ul>	<b>3.2 Activity Result: Justice sector actors better equipped.</b> <b>Actions:</b> <ul style="list-style-type: none"> <li>-</li> </ul>
		-	• Provide Institutional and operational support to criminal justice chain through the provision of e.g. IT solutions, equipment, building repairs and transportation
		-	• Provide training (skills and attitudes) for Union Attorney General's Office, court and police actors on key justice areas including human rights
		• Small grants initiative for CSOs for paralegal services and development of police strategies at community level	-



	<ul style="list-style-type: none"> <li>Establish a Victim Support Fund for minor emergency support to victims of serious violations (transport to medical facilities, to seek shelter, travel, medicines)</li> </ul>	-
	<ul style="list-style-type: none"> <li>Link justice services with other support areas for victims, such as psycho-social help and livelihoods opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>Link justice services with other support areas for victims, such as psycho-social help and livelihoods opportunities.</li> </ul>
	<ul style="list-style-type: none"> <li>Establish specialized help-desks in e.g. policing for sexual and gender based violence.</li> </ul>	<ul style="list-style-type: none"> <li>Establish specialized help-desks in police stations e.g. for dealing with victims of sexual and gender based violence.</li> </ul>
	<ul style="list-style-type: none"> <li>Support development of community policing strategy.</li> </ul>	-
	-	Initiate discussions with the police to support the development of a community policing strategy
	<b>11. Activity Result: A2J assessment including informal justice systems studies completed.</b>	<b>3.3 Activity Result: Access to Justice mapping completed.</b>
	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>Design and conduct, in an inclusive and participatory manner, an access to justice assessment on perceptions and priority justice needs of women and the most vulnerable.</li> </ul>	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>Design and conduct, in an inclusive and participatory manner, an access to justice mapping of perceptions and priority justice needs of women and the most vulnerable.</li> </ul>
	<ul style="list-style-type: none"> <li>Conduct studies/research on formal and informal justice systems</li> <li>Support the organization public consultations based on data/materials collected</li> </ul>	<ul style="list-style-type: none"> <li>Conduct studies/research on formal and informal justice systems</li> <li>Support the organization of public consultations based on data/materials collected</li> </ul>
	<b>12. Activity Result: Specific groups of claimholders empowered.</b>	<b>3.1 (3.4?) Activity Result: Specific groups of vulnerable claimholders empowered.</b>
	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>Implement legal awareness and popular education on rights for the most vulnerable</li> </ul>	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>Implement legal awareness and popular education on rights for the most vulnerable</li> </ul>
	<ul style="list-style-type: none"> <li>Support pilot mechanism for addressing public service related complaints (pillar 1 and pillar 3 component 3-public complain mechanism with public service Project)</li> </ul>	-
	<ul style="list-style-type: none"> <li>Implement community gender-sensitive policing initiatives</li> </ul>	
	-	<ul style="list-style-type: none"> <li>Establish mechanisms for legal aid and paralegal services at community level</li> </ul>
	<b>13. Activity Result: Informal justice systems more in line with human rights standards (in conformity with the Conventions ratified by Myanmar)</b>	
	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>As part of the legal aid centers and CSO grants (for officially registered CSOs) support Project register and document proceedings of ADR and informal justice under grant for officially registered CSOs sub-output 3)</li> </ul>	<u><b>Actions:</b></u> <ul style="list-style-type: none"> <li>-</li> </ul>

<b>Sub-output 5</b> Ethnic groups in ceasefire and border areas have increased knowledge of their rights and are better able to access and benefit from expanded justice remedies.	-	<b>14. Activity Result: Comprehensive justice assessment, of both the supply and demand side and including informal justice systems, completed</b> <u>Actions:</u> <ul style="list-style-type: none"> <li>• Design and conduct, in an inclusive and participatory manner a comprehensive assessment of justice context in cease fire and border areas with a focus on ethnic groups.</li> <li>• Disseminate and discuss the findings of this assessment at local, subnational and national level.</li> </ul>	-
		<b>15. Activity Result: Justice remedies for ethnic groups in cease fire and border areas expanded.</b> <u>Actions:</u> <ul style="list-style-type: none"> <li>• Develop and agree with local stakeholders on action plan to expand justice services (such as legal aid, legal information and advice and referral mechanisms).</li> <li>• Urgent provision of legal aid, assistance and counselling for priority groups special emphasis on victims of SGBV, women, children, displaced persons and ethnic groups</li> <li>• Network of paralegals that can support with “paramedic” legal assistance established and supported.</li> <li>• Small grants initiative for CSOs for paralegal services and development of police strategies at community level.</li> <li>• Establish a Victim Support Fund for minor emergency support to victims of serious violations (transport to medical facilities, to seek shelter, travel, medicines).</li> <li>• “Broader justice” victims support including the provision of psycho-social help for survivors of SGBV, as well as referral systems for possible livelihoods opportunities (linked with pillar 1 sub-output 2) and relevant services related to the provision of ID cards for IDPs and other minority groups</li> </ul>	-
		<b>16. Activity Result: Increased legal awareness of ethnic groups in ceasefire and border areas.</b> <u>Actions:</u> <ul style="list-style-type: none"> <li>• Training and provision of legal awareness (including law materials) for justice services in cease fire and border areas on criminal procedure, pre-trial detention, human rights (in conformity with the Conventions that Myanmar ratified) in the administration of justice, women and children’s rights</li> <li>• Training on economic and civil rights, land and access to natural</li> </ul>	-

	<p>resources etc).</p> <ul style="list-style-type: none"> <li>• Training and legal awareness for officially registered CSOs</li> <li>• Provide legal awareness for ethnic groups</li> <li>• Build the capacity of ethnic based organizations to include human rights (in conformity with the Conventions ratified by Myanmar) monitoring and human rights documentation initiatives.</li> </ul>	
	<p><b>17. Activity result: Informal justice systems more in line with human rights standards (in conformity with the Conventions ratified by Myanmar)</b></p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• As part of the legal aid centers and officially registered CSO grants support Project register and document proceedings of ADR and informal justice under grant for officially registered CSOs (sub-output 3).</li> <li>• Provide training for traditional, religious leaders on A2J, women's rights, mediation, negotiation, ADR in line with human rights standards (in conformity with the Conventions ratified by Myanmar)</li> </ul>	-

## Annex Five: ACHIEVEMENTS AGAINST THE TARGETS DEFINED IN THE OUTPUT'S REVISED RESULTS AND RESOURCES FRAMEWORK

### Output 3: Justice institutions equipped to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups

Sub-output Targets (by year)	Details of Results / Progress	Target Achieved?		
		Yes	No	Partially
<b>Targets (Year 1 - 2013)</b>				
3.1 No target - justice institutions trained through the first Training of Trainers session.	Preparatory work completed.	-	-	-
3.2 No target - university law departments include clinical legal education in their curricula.	-	-	-	-
3.3 No target - justice actors trained by UNDP and law departments reporting relevance of training for practical use.	Preparatory work completed.	-	-	-
3.4 No target - actions taken by justice institutions to promote consultative and participatory legislative development.	Preparatory work completed.	-	-	-
3.5 No target - approaches utilised to raise legal awareness of vulnerable groups in targeted areas.	Preparatory work completed.	-	-	-
3.6 No target - justice sector actor responses to the priority justice needs of vulnerable people.	-	-	-	-
3.7 No target - justice sector policies/plans initiated to improve coordination on crosscutting justice concerns initiated.	Preparatory work completed.	-	-	-
3.8 No target - Justice sector institutional capacity development plan produced and steps toward implementation undertaken for the first justice institution.	Preparatory work completed.	-	-	-
<b>Targets (Year 2 - 2014)</b>				
3.1 Five justice institutions trained through the first Training of Trainers session (number of mid-level officials from justice institutions trained).	Training of Trainers at OSCU and UAGO promoted awareness of interactive learning methods among new core pool of trainees, including Directors of Training; developed of practical case studies for use in future trainings; and increased understanding of curriculum development processes (including application of these to several topics for the induction of new recruits). Early training of UAGO trainers in 2013 resulted in replicated local trainings for law officers in three states and regions. Initial changes to curriculum design and			✓

Sub-output Targets (by year)	Details of Results / Progress	Target Achieved?		
		Yes	No	Partially
	teaching delivery will be implemented by UAGO/OSCU training departments in the next round of recruitment trainings in 2015.			
3.2 No target - university law departments include clinical legal education in their curricula.	Preparatory work completed	-	-	-
3.3 50% of justice actors trained by UNDP and law departments reporting relevance of training for practical use.	at least 2 of initial group of 12 UAGO trainers reported integrating new learning methods into their teaching and 6 of the initial group of 12 participants replicated the training for their colleagues	✓		
3.4 Two actions taken by justice institutions to promote consultative and participatory legislative development.	UNDP's technical assistance and exposure visits have also helped set the direction of reforms, as legal aid policy reform discussions are proceeding across government, parliament and civil society actors.			✓
3.5 One or more of the following approaches utilised to raise legal awareness of vulnerable groups in targeted areas: mobile clinics, multiple reinforcement, small-group training, and community-based support groups; and at least totalling six times per target area per year.	Key priorities of justice to the poor and vulnerable groups identified and addressed. In 2014, important foundations have been laid in mapping the challenges and opportunities in promoting justice sector reform in Myanmar. Results of the mapping of justice service delivery have been used to inform UNDP priorities to improve access to justice of women, among other vulnerable groups, as well as to improve capacity of local justice actors, including lawyers and civil society organisations and to prioritise legal aid reform. Early impacts of the pilot dialogue trainings and women's access to justice forum are evident in both the willingness of both government officials and community representatives to overcome a legacy of mistrust to continue further capacity development with a view to mutual engagement opportunities.	✓		
3.6 No target - justice sector actor responses to the priority justice needs of vulnerable people.	Preparatory work completed	-	-	-
3.7 One justice sector policies/plans initiated to improve coordination on crosscutting justice concerns initiated.	<ul style="list-style-type: none"> <li>Justice sector institutions have recognised the importance of strategic planning and coordination toward achieving target reform. UNDP helped the initial development of the OSCU Strategic Plan for 2015-2017, setting key priorities and actions toward making justice service delivery more functional, accessible and fair. UNDP has also supported the UAGO's plans to complete a strategic plan by mid-2015.</li> <li>Capacity of the justice sector actors has been gradually enhanced on key areas of competence and skill, and the stage set for more sustainable capacity development. A baseline survey of drafting capacity and further training needs across government demonstrated the need for specialised training and guidance materials on key principles and practices of the law.</li> <li>A model curriculum for Rule of Law training, based on Myanmar law and international standards, together with national training capacity to deliver it, has been developed for wider circulation and replication. Through this curriculum, private lawyers, civil society representatives and legal academics have gained knowledge about rule of law principles, local justice and human rights resulting in an opening of spaces for participation of non-state and local actors in justice issues. UNDP facilitated the curriculum development and landmark pilot Rule of Law Workshop series, under a coordinating committee chaired by Daw Aung San Suu Kyi and endorsed by government.</li> </ul>	✓		

Sub-output Targets (by year)	Details of Results / Progress	Target Achieved?		
		Yes	No	Partially
	<ul style="list-style-type: none"> <li>A joint session on legislative development was organised in November 2014 together with Parliamentary Support Output for UAGO officials and Parliamentarians to nurture a better understanding of cross government procedures. Follow up development of guidance materials will further these links between parliament, its committees and staff, and the executive branch, as will the application of consultative processes around legal aid reform and the Anti-Violence Against Women draft law.</li> <li>UNDP's coordination efforts have facilitated information sharing and discussion on legal education needs across justice institutions in piloted states/regions, including through participation in discussions on Rule of Law pilot Project workshops and CLE.</li> </ul>			
3.8 One Justice sector institutional capacity development plan produced and steps toward implementation undertaken for the first justice institution.	As ICT equipment had been delivered to UAGO and OSCU, a subsequent computer skills training will be provided in early 2015 together with other outputs - Public Administration, Development Effectiveness, and Parliamentary Support - under Democratic Governance Pillar. One of the planned applications of the new ICT equipment is better data collection and analysis by justice institutions to support evidence-based policy development, which will also link to common priorities with Development Effectiveness and Public Administration Reform outputs.	✓		
<b>Targets (Year 3 - 2015)</b>				
3.1 Fifteen mid-level officials from justice institutions trained, through at least five mentoring sessions to support (i) curriculum development on fair trial principles and (ii) teaching skills.	Not Achieved. Training departments of the UAGO and OSCU benefit from mentoring on curriculum development, but no training of trainers on fair trial standards conducted during the reporting period. Training of trainers programs in 2016 were dependent on capacity development plans which are yet to be produced and approved.		✓	
3.2 Four university law departments include clinical legal education in their curricula.	Exceeded. 17 universities are applying Clinical Legal Education teaching modalities and principles. 16 university law departments have signed Memorandums of Understanding on full integration into curricula	✓		
3.3 60% of justice actors trained by UNDP and law departments reporting relevance of training for practical use.	Exceeded. 72% of 25 'training of training recipients', 87% of 57 civil society representatives reported improved skills gains as a result of Rule of Law Centers and Clinical Legal Education programs, noting relevance of training. All 12 Myanmar law teachers who went through the CLE training program have reported improvement in their capacity in a variety of essential CLE skills and methods, such as mock trials, CLE English, community teaching, proposal writing, and organisational skills.	✓		
3.4 Two consultations by justice institutions to promote consultative and participatory legislative development.	Exceeded. 4 actions: 3 national consultations held on draft laws (legal aid, prevention of violence against women, child law), and a handbook for legislative development drafted that makes provision for public participation in future drafting. Handbook to be published in early 2016 and will form basis for the development of training materials	✓		
3.5 One or more of the following approaches utilised to raise legal awareness of vulnerable groups in targeted areas: mobile clinics, multiple reinforcement, small-group training, and	Exceeded. Small group training and community forums used to raise legal awareness. 4 local level roundtables held to discuss draft laws and women's rights issues; 2 Rule of Law Centers trained academics and civil society in Shan, Mandalay and Kachin on justice issues over a 6 month period, holding mock trials and community discussion sessions.	✓		

Sub-output Targets (by year)	Details of Results / Progress	Target Achieved?		
		Yes	No	Partially
community-based support groups; and at least totalling six times per target area per year.				
3.6 Two examples of justice sector actor responses to the priority justice needs of vulnerable people (e.g. action in specific cases or development of protocols / strategies).	Exceeded. While UNDP did not drive these processes, UNDP provided input to the government's drafts of three laws addressing justice needs (Legal Aid, Prevention of Violence Against Women, and the Child Law). The latter two are pending finalisation. In Shan State and Mandalay Region, justice officials (including the Police Force and Department of Social Welfare) discussed domestic violence and sexual and gender based violence with communities, and gained insight on how to better respond to the needs of vulnerable groups.	✓		
3.7 One justice sector policy/plan initiated to improve coordination on crosscutting justice concerns.	Achieved. UAGO Strategic Plan developed through participatory process; the Plan has been finalised and will be launched and widely disseminated in January 2016. There is now a growing commitment to and understanding of the need for better justice sector data collection and analysis. UAGO and the OSCU met jointly with the Central Statistics Office and representatives of other justice sector actors to discuss a coordinated justice sector ICT strategy for case information management, and the benefits of measuring improvements to justice and the rule of law.	✓		
3.8 One justice sector institutional capacity development plan produced and steps toward implementation undertaken from the second justice institution.	Not achieved. UAGO focus in 2015 was on development of Strategic Plan which emphasises importance of reviewing and strengthening institutional training curricula. Development of capacity development plan was dependent on approval of Strategic Plan; which came through late in 2015. Technical assistance capacity development mission completed at UAGO and OSCU training departments to measure progress and provide guidance for development of capacity development plans.		✓	



## Annex Six: POTENTIAL PROGRAMMATIC FOCUS AREAS, SIZE, SCOPE, AND DELIVERY / IMPLEMENTATION MECHANISMS FOR FUTURE JUSTICE SECTOR SUPPORT

The scope and approach for a comprehensive, participatory, and data-driven design process are found in *Recommendations 9-12*. These recommendations need to inform the following discussion, and the design process will need to rigorously interrogate this additional guidance to ensure relevance, effectiveness, and counterpart ownership of the concepts discussed.

### POTENTIAL PROGRAMMATIC FOCUS / UNDP VISION FOR FUTURE RULE OF LAW AND ACCESS TO JUSTICE SUPPORT IN MYANMAR

Future justice reform support will need to take into account the progress made over recent years, and consequently there will be an imperative for UNDP's strategic rationale or vision for engaging in justice reform to also evolve. Such an evolution can be defined in terms of refocusing on providing more systemic support to justice sector counterparts to collaboratively deliver improved justice outcomes to the people in Myanmar. Additionally, support should focus on laying the groundwork for greater devolution of responsibility to lead, manage, and implement ongoing justice reforms.

More specifically, justice reform should no longer be simply seen as a component, or enabler, of democratic governance (as with the current Output), but needs to be more externally focussed on enabling justice (a 'fair' society) in Myanmar *as an end in itself*. Consequently, the goal of future support may be defined as: **Building a Fairer Myanmar**. UNDP would then contribute to this goal by supporting its justice sector counterparts (both at the institutional and community-levels) to develop more accessible, just, efficient, and responsive justice services.

This would be a fundamental conceptual shift in UNDP's strategic rationale for engaging with the justice sector in Myanmar. Support would be framed by a more explicit 'service' / outward-looking focus; namely to improve responsiveness to the needs of the ultimate beneficiaries of justice services. Needs identification, response strategies, and indicators of success would need to be framed in light of *actual changes* in the quality, accessibility, and fairness of justice services for all people in Myanmar.

### POTENTIAL SCOPE FOR FUTURE JUSTICE SECTOR SUPPORT

A long-term scope is critical given the scale of reform issues found in Myanmar and the need to enable 'cultural shifts' to occur after decades of military rule. This context necessitates 'whole-of-system' approaches to reform to be adopted, which need to be based on medium- to long-term support strategies. For such fundamental changes to occur, a 10-year strategy / project timeframe would be ideal so that real results can be achieved, embedded, and owned by justice sector counterparts. At a minimum, a future UNDP project should be of 5 years' duration to allow for intermediate results to be achieved.

## POTENTIAL SIZE FOR FUTURE JUSTICE SECTOR SUPPORT

Given the great magnitude of justice-related needs in Myanmar, ongoing long-term support is required for comprehensive reform impacts to be achieved across Myanmar. This circumstance also necessitates the clear prioritisation of needs and support responses. Only with clear and agreed prioritisation will it be possible for: support to be appropriately targeted; high quality of interventions to be undertaken; and ultimately, support to positively influence sustainable change.

At a minimum, it is suggested that support is provided:

- *at the Union-level* - as both institutional policy, and state / regional-level activities are still principally directed from Nay Pyi Taw; and
- *in the current pilot regions or states* - as there are established relationships in these locations and substantial un-met justice reform needs remain.

Given the fact that justice-related needs in most if not all states / regions are likely to be as acute as in the current pilot states / regions, expansion to other geographic locations would undoubtedly be of great benefit in promoting the rule of law in Myanmar. Expansion in the geographic footprint of UNDP's support would, however, need to be coupled with substantially increased resources being allocated to its justice reform programme in Myanmar so that support is appropriate to the scale of needs being addressed in these additional geographic locations.

Regarding resourcing of support to justice sector reforms - at a minimum it is recommended that the budget allocation remains the same; namely around USD 3 million / annum with total management expenditure being limited to ~20-25% of total budget. Furthermore, in line with *Recommendation 11*, budget allocations should be 'ear-marked' up-front *for the duration of the project / proposed activities* to maximise the ability to effectively plan for and achieve change.

## POTENTIAL DELIVERY AND IMPLEMENTATION MECHANISMS FOR FUTURE JUSTICE SECTOR SUPPORT

Feedback on the implementation modality for the current Output is that it is a *direct implementation modality* (DIM). This modality places full responsibility for project implementation on UNDP. An alternative implementation modality given the nature of potential support may be a *national execution/implementation modality* (NEX/NIM), where overall responsibility and assumption of accountability for a project is taken by the host government.

Given the need to be guided by UNDP global and Myanmar Country Office policy, it is not possible for this evaluation to recommend an implementation modality. Feedback received on implementation of the current Output suggests that a somewhat more flexible and inclusive implementation modality would be appropriate in the justice reform context found in Myanmar. Conversely, extant capacity with the justice sector is unlikely to be sufficiently strong to allow for overall responsibility and accountability for implementation to be fully devolved to counterparts. Consequently, a hybrid implementation methodology - if one is available - is seen as the most appropriate in the Myanmar context.

At the programmatic level, the design should consider including a combination of:

- **Technical Assistance / Adviser support** - including the concept of Chief Technical Advisers (see also the discussion in the report: on the Chief Technical Advisers role at *paragraph 61* and *Recommendation 12*; and ensuring efficiency with regards to management costs at *paragraph 74*).

- **Peer-to-peer** or twinning relationships and support.
- **Pilot Projects** - to allow for testing and refinement of implementation strategies and approaches, as well as to develop an improved understanding of the justice sector in Myanmar (see also the discussion in the report at *paragraph 67*).
- **Grant mechanisms** - that are: incentive-based; counterpart (demand-side) driven; and implemented / managed by counterparts (see also the discussion in the report at *paragraph 77*). Such a mechanism may focus on:
  - *Civil Society Organisations* - if additional capacity building support at the technical and operational levels is provided in parallel with grants.
  - *Institutional partners* - to allow for responsive, needs/priority driven support to be provide.
- **Ongoing research and data collection** - into key justice issues to progressively inform justice reform initiatives in Myanmar (see also *Recommendation 12 d.*).
- **Qualified volunteer resources** (see also the discussion in the report at *paragraph 83*).
- **Transition strategies** - while possibly more in the nature of an implementation strategy than a mechanism, future support will need to develop explicit transition strategies to guide implementation and limit donor dependence. Examples of this may be that:
  - Institutional counterparts are progressively enabled to assume the responsibilities of the (currently) donor-funded roles within the Rule of Law Centres; or
  - counterpart support activities are designed and implemented in a collaborative way to enable follow-on activities - or similar activities in other locations - to be implemented by counterpart institutions with more limited external technical support (thereby maximising the potential for 'trickle down' effects of the support).

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