



**TERMS OF REFERENCE FOR THE FINAL EVALUATION OF THE  
“RULE OF LAW AND JUSTICE” PROJECT IN GUINEA-BISSAU  
INDIVIDUAL CONSULTANT**

**1. BACKGROUND AND CONTEXT**

In Guinea-Bissau, given its recent turbulent history, effective and efficient rule of law institutions and people’s access to justice and security are central enablers for the achievement of sustainable peace and security and the establishment of the social contract between the State and the population. Security and justice institutions are particularly weak, generating a widespread culture of impunity. The judiciary has little independence and limited means to carry out its core functions, especially the investigations and prosecutions of criminal acts. Access to justice for the population, an essential prerequisite for human rights, remains an important challenge particularly in rural areas and for women. Less than 10% of people who avail themselves of the justice system are women, though they disproportionately suffer abuses and crime. Impunity constitutes one of the main threats to peace and stability. The population therefore has little trust in state institutions that are perceived as being ineffective and biased to serve and cover the interests of the powerful.

UNDP in Guinea-Bissau has been supporting the country to respond to these challenges by placing Rule of Law and Justice as priority areas for its development partnership in Guinea-Bissau as reflected in the 2008-2012 CPAP and UNDAF, both extended until 2015, as well as in the CPD 2016-2020. The interventions in the Rule of Law and Justice Sector have been pursued since 2010 through the Rule of Law and Justice project. This project comprises two main components: Access to Justice and Capacity Development and is implemented at central level, with targeted interventions in five regions where access to justice centers were established and sector courts built. The project is implemented in partnership with the Ministry of Justice in close collaboration with other key pillars of justice sector, including the Supreme Court, the Prosecutor General Office, as well as with participation of Civil Society Organizations.

The implementation of the Rule of Law and Justice project has been in close coordination with the Rule of Law Section of the United Nations Integrated Peace Mission for Guinea-Bissau (UNIOGBIS), which has important interventions in the rule of law and justice sector, especially on aspects related with law enforcement institutions and corrections. The project coordinates also with the United Nations Human Rights Office which implements important program in the area of promotion and protection of Human Rights.

Since its establishment, the project has invested more than US\$7,000,000, born from different sources of funding, including the Multi-Donor Trust Fund managed by UNDP, INL and UND Core resources.

Through the Rule of Law project UNDP has been contributing to the modernization of the Justice Sector and the uphold of the Rule of Law, providing technical assistance to Justice Institutions, in regard to policy formulation for substantive legal reforms, strategic guidance and programmatic support, with a particular focus on promoting access to justice and legal protection for all. In fact, UNDP in Guinea-Bissau has been contributing to support an approach that institutionalizes mechanisms facilitating access to justice and justice service delivery, in particular to the disadvantaged groups of children, women and youth. UNDP's engagement in this area sought to enhance legal protection of people and communities, ensuring legal representation, access to justice and empowerment of communities and civil society. UNDP further contributed to decentralize justice at the grassroots level, through the construction of court houses in the rural areas, in order to make people feel formal justice closer to their community, substantially increasing physical access to justice. Since its establishment, the more than 8,000 people (22% women) received free legal aid, thus enabling their access to Justice, apart from thousands of people that benefited for conflict mediation services and awareness campaigns on legal and human rights.

In regard to long term capacity development and institutionalized training for the Judiciary, UNDP intervention aimed to strengthen the capacity of the Judiciary in a systematic and structured manner through in country training tailored for magistrates and judiciary personnel (in-take career course and refresher trainings). As result of this contribution, the judiciary sector is equipped with human resources capable of addressing the need for justice in an equitable and professional manners.

The project contributed also to studies and research to inform policy formulations, such as research conducted with regard to traditional justice mechanisms. The project also contributed to the formulation of policies and strategies, such as the Justice Sector Policy and Strategy.

A combination of both upstream and downstream approach was undoubtedly reflected in the footprints left by UNDP in this field.

## **2. PURPOSE OF THE EVALUATION**

After consecutive 5 years of implementation the Rule of Law and Justice project will be closed by the end of the year as it has reached its life cycle and as per UNDP project management policies and procedures, a project end evaluation is required. Moreover, considering the changes in the country context- Coup d'état in 2012, Elections in 2014 and the current prevailing political crisis, as well as the changes in the UN/UNDP programming cycle approach, notably the approval of the new UNDAF 2016-2020, the approval of the CPD 2016-2020 and the ongoing process of designing a UN Joint Program on Rule of Law it is deemed necessary to review the project implementation in order to identify important challenges and constraints it faced, opportunities that it generated, lessons learned and assess the results achievement. Therefore, the purpose of this evaluation is to inform UNDP Rule of Law team and senior management, as well as key stakeholders involved in Rule of Law and Justice sector on the best programming approach and strategy to support Rule of Law and justice in Guinea-Bissau for the coming years, to Enable the achievement of sustainable results and impact, building from the lessons learned from the current intervention.

### 3. EVALUATION SCOPE AND OBJECTIVES

The objective of the evaluation is assess the results achieved by the project since its launch, as well as its relevance, efficiency, sustainability and impact. The evaluation will also identify the main challenges and constraints faced by the project, as well as on how they were addressed, and inform on the lessons that can be drawn from the project implementation. Furthermore, the evaluation will provide recommendations for UNDP future interventions in support to the rule of law and justice sector, taking into account the new programing framework, namely the CPD 2016-2020 and the UN Joint Program on Rule of Law.

In order to attain this objective, the evaluation will cover the 3 project outputs and will take into consideration the feedback from all beneficiary institutions, selected beneficiaries of legal aid, conflict mediation and training services, development partners working in the sector (including UN agencies, fund and programs), as well as Civil Society Organizations. In addition, the evaluation will also seek information form the core personnel involved in the project implementation activities and UNDP senior management. The evaluation will be conducted at both central and local level, particularly in the regions covered by the project, namely Cacheu, Oio and Bafata.

The evaluation is expected to assess to what extent the project applied the human rights based approach and addressed gender issues in its design and implementation. The evaluation will also assess the project approach to capacity development, knowledge management, south-south and triangular cooperation, and the results achieved in that regard.

Therefore, the evaluation should be able to:

- Provide guidance on the current status of the programme intervention in order to inform future decisions regarding the strategic direction of possible future programme and a possible future programme; Assess whether the current focus areas that the programme is engaged in are the most relevant for justice sector reform in Guinea-Bissau;
- Assess whether the UNDP programme is well positioned to effectively and efficiently support the vision and priorities of Guinea-Bissau in the justice sector;
- Provide recommendations on how the gains and progress made with the existing legal aid centers can be effectively decentralized so that “trickle down” effects can be recorded at local level; and results attributed to this higher level engagement;
- Identify mechanisms that allow to make more dynamic the National Center for Judiciary Training (CENFOJ);
- Assess the extent to which the programme 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 programme; Assess the degree to which UNDP has contributed to strengthening the application of these principals in the justice sector in Guinea-Bissau;
- 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 Programme in the rule of law/access to justice result area;

- Identify risk factors may hinder progress and propose risk mitigation/management strategies to ensure success and effective implementation

#### 4. EVALUATION QUESTIONS

The evaluation will be guided by the following questions:

##### **Relevance:**

- 1) The extent to which UNDP's work in rule of law and justice consistent with and responding to emerging national and local policies, priorities and needs of the intended beneficiaries?
- 2) The extent to which this work responds to UNDP's corporate plans, the CPAP 2008-2012/15 for Guinea-Bissau 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 programme's intended results?
- 2) What observed changes in the justice sector can be attributed to UNDP's activities and outputs in rule of law and access to justice?

##### **Efficiency:**

- 1) Have resources (funds, expertise, time, staffing) available to the programme been utilized in the most appropriate and economic way possible towards the achievement of results?
- 2) How partnerships influenced the efficiency of the programme in delivering against its portfolio?
- 3) To what degree UNDP has incorporated and fostered South-South cooperation, knowledge management, and volunteerism and UN coordination in the implementation of this programme? How beneficial have they 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 programme to ensure the continuation of benefits? Are national partners contributing financial and other resources towards the continuity of the results of this programme? Are there public/private partnership in place?
- 4) Is there an exit strategy for the project and how feasibly is it?

##### **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 programme 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 Guinea-Bissau?

## **5. METHODOLOGY**

The will propose a methodology and approach to the evaluation, which will be further discussed with UNDP so that a feasible methodology is adopted. Nevertheless, as basic methodology, the consultant is expected to conduct individual interviews with key stakeholders and collective interviews with end beneficiaries of legal aid and conflict mediation services at community level in order to collect information to inform the evaluation.

Despite the recognized weaknesses of sector information management systems, the consultant will gather as much as possible data produced by justice sector institutions to complement data generated by the project through monitoring activities.

The consultant will also review key documents, including project reports, assessments/diagnosis of the sector conducted prior to and during the project implementation period, reports produced by other stakeholders intervening in the sector, studies and other knowledge products generated by the project and other relevant and available documents that may help to answer the key questions of the evaluation and meet its objectives.

## **7. DELIVERABLES**

The consultant will be expected to generate the following deliverables:

1. Evaluation Inception Report: Prior to embarking on the data collection exercise, the consultant will be required to prepare an inception report which details the understanding of what is being evaluated and why, and how he/she proposes to answer the evaluation questions. The inception report will provide a more detailed methodological approach, identification of data availability, sources and collection method as well as the evaluation plan that includes the schedule of activities to be performed and the respective results.

2. Draft Evaluation Report: The consultant will be required to submit a draft evaluation report for review to UNDP to ensure that it meets the required quality criteria.

3. Final Evaluation Report: The final evaluation report will include all comments/inputs provided to the draft report to ensure that all concerns that may had been raised are addressed. A report template structure of the evaluation report to meet the minimum standard requirements will be provided.

4. Evaluation Brief: The consultant will required to present the initial findings and recommendations of the report to UNDP, government counterparts, donors, and other justice sector development partners, as appropriate.

In order to accomplish these deliverables, the consultant is expected to perform the following activities:

1. Review documents and consult with UNDP senior management and rule of law and justice team members to better understand the project, including its design process, implementation aspects and expected results;
2. Review the project results and resources framework, progress and financial reports, monitoring reports and contribution agreements signed with partners;
3. Prepare and conduct interviews with key stakeholders and project beneficiaries and central and regional level;
4. Conduct a comprehensive analysis of the rule of law and justice project activities and results reported vis a vis evidence data collected in the field in order to assess its relevance, efficiency, efficacy, sustainability and impact;
5. Conduct a project SWOT (strengths-weaknesses-opportunities-threat) analysis on the basis of findings from the documents review and collected information;
6. Assess partners views on UNDP Guinea Bissau current and future role in supporting the rule of law and justice sector, including views on where UNDP has comparative advantages;
7. Assess the project approach to communication and knowledge management and make suggestions on how to strengthen these aspects;
8. Organize a session to present the final evaluation report for validation by the key stakeholders, including donors, the government and civil society organizations.

***Expected Outputs:***

During a 2 months period, the consultant is expected to deliver the following **Outputs**:

1. A reviewed methodology, work plan and data/information collection tool agreed with the evaluation focal point and the rule of law team in UNDP- **October 24, 2016**
2. Partners, stakeholders and beneficiaries views on project implementation aspects and assessment of its results are collected and documented- **November 11, 2016**
3. An analysis of project Strengths, Weaknesses, Opportunities and Threats is conducted- **November 18, 2016**
4. A comprehensive project assessment, including challenges and constraints encountered in its implementation, opportunities for future programming, lessons learned, as well as recommendations for future UNDP interventions in the rule of law and justice sectors is available and validated by the key stakeholders and partners. **December 2, 2016**

**8. EXPERTISE REQUIRED**

The evaluation will be conducted by a qualified consultant (or a team of consultants) with proven experience of projects and programs evaluations in the rule of law and justice sector, particularly those implemented by UNDP. The consultant must meet the below detailed skills, knowledge and expertise:

**Academic Qualifications:**

- Master's degree in law, political science, development studies or a bachelor's degree ;
- Certification in evaluation is desirable;

**Experience and knowledge**

- Proven 10 years' experience in managing or/and evaluating development programs/projects, especially with UNDP;
- 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, capacity development; and rights-based approaches to programming is an asset;
- Proven knowledge of Guinea-Bissau general country context and rule of law and justice sector is strongly desirable;
- Excellent writing, research, analysis and presentation skills
- Experience in the use of computers and office software packages as well as web based management systems

**Key Competences***Functional:*

- Strong analytical, negotiation and communication skills, including ability to produce high quality practical advisory reports and knowledge products,
- Professional and/or academic experience in one or more of the areas of the Development or knowledge management field.

*Project and Resource Management:*

- Ability to produce high quality outputs in a timely manner while understanding and anticipating the evolving client needs.
- Ability to focus on impact and results for the client, promoting and demonstrating an ethic of client service.
- Ability to work independently, produce high quality outputs.

*Communications and Advocacy:*

- Strong ability to write clearly and convincingly, adapting style and content to different audiences and speak clearly and convincingly.
- Strong presentation skills in meetings with the ability to adapt for different audiences.
- Strong analytical, research and writing skills with demonstrated ability to think strategically.
- Strong capacity to communicate clearly and quickly.
- Strong inter-personal, negotiation and liaison skills.

**Language Requirements**

- Proficient spoken and written French or English;
- Proficiency in Portuguese, at least spoken, constitutes a strong advantage;

## 9. MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

- The consultant will report to the Programme Specialist, Rule of Law and Justice on a weekly basis as work against deliverables progress. He/she will be accountable to UNDP on the timeliness and quality of the deliverables.
- The consultant 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 consultant is expected to work closely and collaboratively with UNDP staff, legal aid technicians, Directorate of CENFOJ 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 consultant 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 consultant is responsible for providing his/her own computer 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 Guinea-Bissau.
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## 10. DUTY STATION

a) This consultancy will be in the capital Bissau with mission travel to some of the locations as deemed appropriate for the purpose of this evaluation: Canchungo, Cacheu, Mansoa, and Bafata.

b) The consultant may be required to travel to other locations in Guinea-Bissau for the purposes of this evaluation. This will be determined by the Programme Specialist, Rule of Law and Justice.

## 11. TIMEFRAME

The consultant is expected to perform the following tasks:

a) The contract will come in to effect on **17 October 2016 and end on 2 December 2016**, including.

b) The consultant will work for a period of **35 working days**.