



TERMS OF REFERENCE
FINAL EVALUATION OF THE PROJECT ON STRENGTHENING ACCESS TO
JUSTICE, RULE OF LAW AND HUMAN RIGHTS PROTECTION IN MOZAMBIQUE

1. BACKGROUND AND CONTEXT

The UNDP and the Ministry of Justice of Mozambique have partnered in support to the Justice sector and Human Rights since the late 1990s. Projects implemented in the last decade have produced visible results and have supported the introduction of a new philosophy leading to improved service delivery in the justice context. Such philosophy includes in a few districts the one-stop-shop approach to service delivery embodied in the “houses of Justice”, commonly called “Palaces of Justice”, where all the Criminal Justice institutions are in the same building. This has been gradually allowing for pursuing the goal of simplifying a criminal justice process that so far has been too complicated to the general citizen as it has been generally offered in different geographical areas and distant buildings and therefore inaccessible to citizens in decentralized areas. By constructing and equipping “Palaces of Justice” at the District level, focus is being given to supporting disadvantaged groups and work with beneficiaries often marginalized by those aid-programs that work only at national level.

The section related to the support to vulnerable groups under the 2012-2016 UNDAF was built on lessons learned in the last decade by UNDP and 8 more agencies, setting common objectives and complementary tasks.

The Project was initiated in January 2012 and will end in June 2017, following a six-month extension period. The project’s total budget is of US\$ 2,790,000 for the overall period. The Project is housed in the Ministry of Justice,

Constitutional and Religious Affairs, which is the institutions which coordinates the support to all other justice institutions, including the Supreme Court, the Attorney General's Office, the Correctional Services, the Free Legal Aid Institute, and the National Human Rights Commission. For the first 3 years, the Project benefited from a resident international Chief Technical Advisor, who provided direct technical assistance to a team headed by the National Coordinator. Currently, the project is headed by the national Project Coordinator, who leads a team of 2 staff members.

The Project aims to contribute to the strengthening of the access to justice and human rights protection in Mozambique, by focusing on 3 main priorities:

- Supporting the process of introducing or strengthening innovative justice instruments (such as alternatives to imprisonment, existing Palaces of Justice and free legal aid) and enabling Justice Institutions to more effectively implement their mandate;
- Increasing the awareness of vulnerable groups on human rights and justice services and;
- Supporting the establishment of the National Commission on Human Rights.

The agreed objectives are coherent with the strategic goals set by the Mozambican Justice Sector in the "*Plano Estratégico Integrado da Justiça 2009-2014*" (PEI) as well as the "*Human Rights National Action Plan - Plano Nacional de Protecção e Promoção dos Direitos Humanos*" (PNPPDH), the "*APRM Action Plan - Programa Nacional de Acção 2010-2014 do MARP*" and the 2011-2014 PARP (Poverty Reduction Plan).

While providing support across the entire spectrum of the Justice System continuum and devoting efforts to building the capacity of all Justice Institutions in need, a decision was made to give priority to specific and realistically achievable outputs for each of the aforementioned areas. In

pursuing such outputs, specific attention was given, whenever possible, to produce results at the decentralized level by working in selected districts.

The Ministry of Justice of Mozambique has placed the introduction of Alternative Measures to Imprisonment, a systemic change that rethinks the whole concept of “punishment”, among the main priorities of Justice Sector Reform. In 2010 and 2011 UNDP and the Ministry of Justice worked on drafting the norms that lead to the introduction of the aforementioned mechanism and that was expected to enter into force in the second half of 2012, although the law only entered into force in the second half of 2015. Based on the initial thinking the project was supposed to contribute to the operationalization of the new department for execution of the alternative measures, as well as provide training for Judges, Prosecutors and defense attorneys and other actors and inform communities.

In January 2016 Mozambique’s Human Rights record was reviewed for the second time, as part of the Universal Periodic Review mechanism of the UN Human Rights Council and out of 210 recommendations, 180 have been agreed. Following the review, the Government started a process of dissemination of the UPR outcome as well as a consultation process that will lead to the formulation of the UPR Action Plan. The consultation process carried out as part of the UPR exercise, will also serve in the elaboration of the National Human Rights Action Plan. It is considered a best practice that these exercises are undertaken, if necessary, together¹. Like in the first UPR review (February 2011) Supporting the implementation of these two reference frameworks is a common goal for all those agencies which contribute to the UNDAF chapter dedicated to enhancing respect for human rights. While pursuing this general goal, the project intended to give specific attention to supporting the establishment of a National Human Rights Institution.

¹ Roxana Garmendia, Final report, Strengthening access to justice, rule of law and human rights, UNDP Project, Mozambique

The adoption of Law nº 33/2009 of 22 December 2009, introduced in the legal system of Mozambique the Comissão Nacional dos Direitos Humanos (CNDH), an Institution with the mandate to: 1) promote and protect Human Rights in Mozambique 2) be the leading agency in conducting Human Rights awareness campaigns 3) cooperate with the competent authorities to promote respect of Human Rights and 4) interact with citizens by collecting their complaints and investigating them. UNDP has provided support to this new institution, following the request by the Ministry of Justice, which was mandated to establish the Commission.

Since 2007, UNDP has been involved in supporting country's efforts to make legal counselling available, especially in rural areas where these services are most needed. In the timeframe between 2007-2009 a UNDP project supported IPAJ, Universities and Legal Clinics for the provision of free legal assistance with over 3500 cases having been addressed. The current project aimed at supporting IPAJ to further expanding its outreach by funding the training of its officials and contributing to the raise of citizen's awareness of its services.

2. EVALUATION PURPOSE

The end of project evaluation is a corporate requirement of UNDP, therefore it was planned in the Project Document. It is a means for UNDP to build on lessons learned to improve on similar interventions going forward specially to enable the formulation of the new Project on Access to Justice and Human Rights. The findings and recommendations of the evaluations will inform the key stakeholders of this evaluation, namely the Ministry of Justice, Constitutional and Religious Affairs and its dedicated Departments (Correctional Services, Free Legal Aid, Human Rights and Citizenship), the key institutions pertaining the overall criminal justice system (Courts, PGR, SERNIC), the National Commission for Human Rights (NCHR), and UNDP and may also be an asset to other UN agencies working in the area of Justice and/or Human Rights. The result of this evaluation will provide lessons for the new Justice and Human Rights project being formulated for the period 2017-2020.

3. EVALUATION SCOPE AND OBJECTIVES

The evaluation will cover all activities undertaken in the framework of the project. The evaluators will compare planned outputs of the project to actual outputs and assess the actual results to determine their contribution to the attainment of the project objectives. The evaluation is intended to identify weaknesses and strengths of the project design and implementation strategy by evaluating its relevance, efficiency, effectiveness, sustainability and impact, as well as assessing the project outputs and outcomes. It will collate and analyze lessons learned, challenges faced and best practices obtained during implementation period (from January 2012). The lessons learned should furthermore guide the process of finalization of formulation of the new Project in the area of Justice and Human Rights. The evaluation will assess the preliminary indications of the sustainability of the results achieved by the project giving an assessment of the likelihood that they will endure after the project has ended as well as their contribution to capacity development and achievement of sustainable development goals.

3. EVALUATION QUESTIONS

3.1. **Relevance:** – (The design and focus of the programme)

- 3.1.1. Were the project's planned results (outputs and outcomes) relevant and realistic to the situation and needs on the ground?
- 3.1.2. What factors have contributed to achieving or hindering achievement of the intended outputs and outcomes?
- 3.1.3. Was the strategy adopted and inputs identified, realistic, appropriate and adequate for achievement of the results?
- 3.1.4. Does the project continue to be relevant to the Government's priorities in the area of governance?

3.2. **Effectiveness** (The management processes and their appropriateness in supporting delivery)

- 3.2.1. Was the project management structure and staffing effective and efficient to produce the required results?
- 3.2.2. To what extent have the stated outputs for the A2J and HRs protection Project being met?
- 3.2.3. What is the project contribution to the stated outcomes?
- 3.2.4. Was the formulated M&E framework suitable to monitor and support the implementation of the targeted results?

3.2.5. Were the strategies and tools used in project implementation effective?

3.3. Efficiency – (Of Project Implementation)

3.3.1. Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve the relevant outputs and outcomes?

3.3.2. Were management capacities adequate?

3.3.3. Did the project's activities overlap and duplicate with other similar interventions (funded nationally and /or by other donors?

3.3.4. What were the strengths, weaknesses, opportunities and threats of the project implementation process?

3.4. Sustainability

3.4.1. Are the Project results, achievements and benefits likely to be durable? Are these anchored in national institutions?

3.4.2. What are the key factors that will require attention in order to improve prospects of sustainability of the Project outcome and the potential for replication of the approach?

3.4.3. What elements of the project (in order of priority) should continue if further funding becomes available?

3.4.4. Describe the main lessons that have emerged.

3.4.5. Are there any potential best practices that can be replicated in other projects?

3.4.6. What are the recommendations for similar support in future?

3.5. Impact

3.5.1. What is the impact of the intervention for the targeted groups, and particularly for women?

3.1.1. Was there any unexpected impact resulting from the intervention?

4. METHODOLOGY

The following are some of the proposed methodology that may be used by the consultants. Additionally, the consultants should develop a detailed methodology that clarify how the objectives of the evaluation will be met.

4.1. Briefing with UNDP and programme staff

- 4.2. Desk review of relevant documents including Project Document, Annual Work Plans, reports produced during the life cycle of the project, and other relevant documentation
- 4.3. Consultation meetings/interviews with key staff involved in management and implementation of the project and key stakeholders identified, namely, a) Ministry of Justice, Constitutional and Religious Affairs and respective departments of prisons (SERNAP), Human Rights (DNDHC), Legal Aid (IPAJ); b) Supreme Court; c) Attorney General's Office, d) National Human Rights Commission, and e) UN Agencies
- 4.4. Field visits to Nampula province (Ribau District) and/or Inhambane province (Massinga District) and discussions with stakeholders/beneficiaries.
 - 4.4.1. Focus Group meetings with professionals of the Palaces of Justice of Massinga and/or Ribau
- 4.5. Debriefing: Presentation of findings to UNDP, Ministry of Justice, Constitutional and Religious Affairs and other relevant institutions
- 4.6. Elaboration of Evaluation Report

5. EVALUATION PRODUCTS (DELIVERABLES)

- 5.1. **Evaluation inception report.** A proposal indicating the detailed methodology (including tools) to be used in the evaluation process as well as a work plan for completion of work within five (5) days after recruitment. The inception report should include:
 - 5.1.1. Evaluation purpose and scope—A clear statement of the objectives of the evaluation and the main aspects or elements of the initiative to be examined.
 - 5.1.2. Evaluation criteria and questions— The criteria and questions that the evaluation will use to assess performance and rationale
 - 5.1.3. Evaluation methodology— A description of data collection methods and data sources to be employed, including the rationale for their selection (how they will inform the evaluation) and their limitations;
 - 5.1.4. A revised schedule of key milestones, deliverables and responsibilities.
- 5.2. **Draft Evaluation Report** for discussion in the presentation of finding meeting, including all annexes of detailed work done and discussions/focus meetings held

- 5.3. **Final Evaluation Report**, in hard and soft copy (MS Word and Acrobat Reader) using the Evaluation Report Template in Annex X

5.4. Evaluation brief and other knowledge product

6. EVALUATION TEAM COMPOSITION AND REQUIRED COMPETENCIES

The evaluation will be conducted by two external independent consultants, one international (team leader) and one national expert. Both consultants shall be specialists on Justice and preferably have knowledge of Justice and human rights initiatives in Africa. The international consultant will be responsible for the achievements of the objective of the evaluation and for the submission of the deliverables

The international consultant will travel to Mozambique after acceptance of the Inception report. UNDP CO Governance Unit will inform stakeholders in advance of the evaluation and its purposes. Prior to the field work of the assignment, the consultants will prepare by studying any documentation provided to them by UNDP Mozambique and submit the inception report.

The national consultant will also be provided with the key project documentation prior to the initiation of the field work. The national consultant will provide technical and interpretation/translation support to the international consultant throughout the assignment.

UNDP Governance Unit will facilitate the work of the consultants before and during the assignment period, including preparing a schedule of meetings with the stakeholders, and producing necessary background information for the revision process, in coordination with the Justice Project team.

6.1. Requirements for Experience and Qualifications

6.1.1. Team Leader:

Academic Qualifications:

- Master's degree in Law, Human Rights or any other relevant field

Relevance of experience:

- Minimum of 15 years of work experience in the area of Justice and preferably also on human rights

- Minimum of 7 years of experience in Evaluation of international development projects and programmes.
- Strong analytical skills and strong ability to communicate and summarize this analysis in writing.
- Previous experience of evaluation of Justice and/or Human Rights projects in sub-saharan Africa is strongly desired.

Competencies:

Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards (human rights, tolerance, integrity, respect, and impartiality);
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Functional Competencies:

- Consistently approaches work with energy and a positive, constructive attitude ;
- Strong interpersonal and written and oral communication skills;
- Has ability to work both independently and in a team, and ability to deliver high quality work on tight timelines.

Language proficiency

- Fluency in English is essential.
- Knowledge of Portuguese will be an asset.

6.1.2. National consultant

Academic Qualifications:

- Degree in Law, Human Rights or any other relevant field

Relevance of experience:

- Minimum of 5 years of work experience in the area of Justice and preferably also on human rights

- Previous experience in conducting evaluation in development work, with proven knowledge on monitoring and evaluation.
- Proven analytical capacities and ability to communicate

Competencies:

Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards (human rights, tolerance, integrity, respect, and impartiality);
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Functional Competencies:

- Consistently approaches work with energy and a positive, constructive attitude ;
- Strong interpersonal and written and oral communication skills;
- Has ability to work both independently and in a team, and ability to deliver high quality work on tight timelines.

Language proficiency

- Fluency in English and Portuguese

7. EVALUATION ETHICS

The evaluation will be conducted in accordance with the UNEG ethical guideline for evaluation.

This Evaluation will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation (UNEG 2008) and the consultants need to use measures to ensure compliance with the evaluator code of conduct (e.g. measures to safeguard the rights and confidentiality of their sources, provisions to collect and report data, particularly permission (consent) is needed to interview or obtain information about children and young people.

8. IMPLEMENTATION ARRANGEMENT

8.1. Institutional Arrangement

The Head of Governance Unit in the UNDP Mozambique will be the focal point for this evaluation. While the evaluation should remain fully independent, the Evaluation Focal Point in the Programme Unit will provide both substantive and logistical (e.g., assistance in setting meetings) support to the evaluation team. The evaluation Focal Point should ensure that the evaluation is conducted as per the evaluation plan and in line with this ToR.

This TOR shall be the basis upon which compliance with assignment requirements and overall quality of services provided by the consultants will be assessed by UNDP.

UNDP Governance Unit will provide the Consultants with office space, transportation from/to workplace and relevant line ministries and office.

Laptops will be provided by the Consultants.

8.2. Duration of the Work

The duration of work will be 25 working days (7 days home-based – prior and after duty station work – as well as 18 workdays at duty station; based upon a 6-day work week).

8.3. Duty Station

The Consultants will be based in Maputo city with possible field visits to at least 1 province mentioned earlier (to be agreed upon as part of the methodology in the inception report).

9. PRICE AND SCHEDULE OF PAYMENTS

Lump sum contracts

- The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the

financial proposal will include a breakdown of this lump sum amount (including professional fees based on a 6-day working week, travel costs, living allowances, communications, consumables, visa and other expenses related to the execution of the consultancy). The lump sum amount shall also incorporate the cost of medical insurance and evacuation during the assignment period.

- The contract price is fixed regardless of changes in the cost components

The schedule and percentage payments will follow the timelines of the below-mentioned deliverables:

#	Deliverable	Time Line
1	- Inception Report	5 th day of consultancy
2	- Draft Evaluation Report. At the end of the field evaluation, a draft evaluation report should be submitted, prior to the debriefing meeting, focusing on the main findings, lessons learned and recommendations	By the end of the fourth week of consultancy
3	- Final Evaluation Report. the evaluators will send the final evaluation report to UNDP, <i>within 2 weeks</i> after having received the consolidated comments on the draft report. UNDP will then send a management response to the evaluators.	2 weeks after receiving the consolidated comments to draft report

Notes:

Individuals on IC are not UN staff and are therefore not entitled to DSAs. All living allowances required to perform the demands of the TOR must be incorporated in the financial proposal, whether the fees are expressed as daily fees or lump sum amount.

10. RECOMMENDED PRESENTATION OF OFFER

Interested individual consultants must submit the following documents and or information:

- 1) Duly accomplished **Letter of Confirmation of Interest and Availability**

using the template provided by UNDP.

- 2) **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- 3) **Technical proposal:**
 - a. Brief description of why the individual considers him/herself as the most suitable for the assignment
 - b. A methodology on how they will approach and complete the assignment.
- 4) **Financial proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offer is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP

10.1. Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources. The contractor will not be required to travel outside Mozambique within the framework of the contract.

The consultant will be required to travel to one or two provinces within Mozambique, upon request of the UNDP Country Office in Mozambique. For this case, payment of all travel costs including tickets, lodging and terminal expenses will be covered by UNDP.

11. CRITERIA FOR SELECTION OF THE BEST OFFER

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) *responsive/compliant/acceptable, and*
- b) *Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

* *Technical Criteria weight; [70]*

* *Financial Criteria weight; [30]*

Criteria	Weight	Max. Point
Technical	70%	70
Criteria A (Candidate profile): a) Advanced degree in Law, Human Rights or any other related field ; b) Language proficiency		15 10 5
Criteria B (Relevance of Experience): a) Minimum 15 years of "relevant" work experience in the area of Justice and preferably also on human rights; b) Minimum of 7 years of experience in Evaluation of International Development project or programme; c) Previous experience of evaluation of Justice and/or Human Rights projects in sub-saharan Africa are strongly desired ; d) Strong analytical capacities and strong ability to communicate and summarize this analysis in writing.		30 10 5 5 10
Criteria C (Methodological Proposal): a) adequacy of the proposed methodology with the objectives of the consultancy; b) detailed methodology, including the timeline of the consultancy		25 15 10
Financial	30%	30
Total	100%	100

Only candidates obtaining a minimum of 49 points of the 70 points in the Technical Evaluation will be considered for the Financial Evaluation.

The financial score for the financial proposal will be calculated in the following manner:

$S_f = 100 \times F_m/F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration.

(Total Financial Maximum points = 100 points)

Total Score

The technical score attained at by each proposal will be used in determining the Total score as follows:

The weights given to the technical and financial proposals are: $T = 0.7$, $F = 0.3$

The Total score will be calculated by formula: $TS = St \times 0.7 + Sf \times 0.3$

TS - Is the total score of the proposal under consideration

St - is technical score of the proposal under consideration.

Sf - is financial score of the proposal under consideration.

12. QUERIES:

Any queries must be submitted through the following e-mail address: procurement.mozambique@undp.org. Any such queries must be clearly identified by the title of this assignment and UNDP shall not be liable for none response to any queries which are not attended to due to none compliance with this directive.

N.B: UNDP is a none discriminative organisation and is gender sensitive, therefore this post is open to all suitably qualified applicants independent of their status.

ANNEXES:

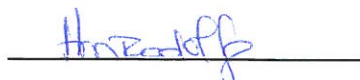
ANNEX 1- INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

ANNEX 2 - INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3 – EVALUATION REPORT TEMPLATE

This TOR is approved by:

Signature



Name and Designation

Habiba Rodolfo, Head of Governance Unit a.i.

Date of Signing

April 2017



