

Appendix A: Terms of Reference

International Consultant for evaluation of ROL project

Location:	Home based and one field trip to Uzbekistan
Additional Category:	Democratic Governance and Peacebuilding
Type of Contract:	Individual Contract
Post Level:	International Consultant
Languages Required:	English
Expected Duration of Assignment:	25 days during May/June 2017

Background

UNDP Uzbekistan within the UN Development Assistance Framework (UNDAF) for Uzbekistan has been implementing 'Rule of Law Partnership in Uzbekistan' project (ROL project) since 2014, after successfully completing the 'Civil Justice Reform: Effective Court Management' project in 2012-2014. The Project has been working with two pilot regions – Tashkent city and Tashkent region since 2014, focusing on further strengthening public access to and trust in Uzbekistan's civil court system.

Building on the success of 'Civil Justice Reform: Effective Court Management', implemented from 2012 to 2014, ROL project has supported efforts of the Supreme court of the Republic of Uzbekistan enhancing public access to and trust, achieve greater alignment with international standards of integrity and rule of law in civil courts as well as efforts of other national stakeholders i.e. Research Center under Supreme Court of Republic of Uzbekistan, Higher Economic Court, Judicial Department under Ministry of Justice, Lawyers' Training Center and others by providing assistance in strengthening rule of law in Uzbekistan as well as by elaboration of strategic and legal framework to improve accessibility of court information and transparency of judiciary, by strengthening research and analytical capacity of Supreme Court in order to implement judicial and legal reforms, by wide involvement of representative of civil and expert society as well as donor organizations in open discussion of reforms, by preparation of a series of analytical papers, by enhancing court administration through development of national e-justice system and improvement of legislative base, etc. The project, in addition to the Project Board, is guided by the Interagency coordinating working group (ICWG), approved by the Chairperson of the Supreme court of the Republic of Uzbekistan. Project is funded jointly by UNDP and USAID Uzbekistan in accordance with 'USAID Cooperative Agreement to a Public International Organization (AID-176-IO-14-00001)'.

The major objectives of ROL project are:

- Increasing court responsiveness to citizen feedback on civil justice administration through development of institutional mechanisms for public awareness raising;
- Enhancing the knowledge and technical skills of judges, lawyers and court personnel;
- Improving court administration systems and performance.

The ROL project, through the above-mentioned activities, aims to achieve the following results:

- enhancing trust in courts, accessibility of information and transparency of the judicial practices including the procedures of interaction with the public and the media;
- improving image and trust of citizens in the court rulings enhanced through higher awareness of the procedures of enforcement of civil court rulings;

- enhancing access to justice and legal awareness of socially vulnerable groups of population enhanced by providing gratis legal aid;
- introduction of new techniques of teaching, training of judicial trainers;
- unification of dispute resolution practice within the civil courts;
- increasing authority, standardization and predictability in judicial decisions, grounded in legislation, international conventions and unified court practice, stemming from increased access to training and training materials (bench books, manuals, etc.);
- transferring knowledge with regard to international best practices streamlining the court administration system in accordance with evidence-based policy research on judicial and court procedure issues jointly with the Supreme Court and the Judicial Research Centre;
- improvement of the Code of Civil Procedures (CCP), the Code of Economic Procedures (CEP) of Uzbekistan, and development of the new draft Law on the use of electronic information systems proceedings in the civil courts of the Republic of Uzbekistan and other legislation, leading to a higher implementation of the law in Uzbekistan and a higher protection of rights for its citizens;
- streamlining court procedures to optimize costs and operations as well as introduction of web-based e-solutions, audio visual recording and mobile technologies in litigation process of the Economic and Civil Courts, etc.

Since 2017 project developed a number of initiatives successfully implemented in the field of strengthening the rule of law, improving court administration, increasing efficiency of courts, improving procedural legislation, increasing transparency and availability of information on courts and others. This year the project is approaching its completion, which is December 2017.

The details of the project activities are available on as well as in social media:

- http://www.uz.undp.org/content/uzbekistan/en/home/operations/projects/democratic_governance/rule-of-law-partnership-in-uzbekistan-.html
- <https://www.usaid.gov/uzbekistan>
- <https://www.facebook.com/RuleofLawUzbekistan/?fref=ts>

Duties and Responsibilities

This Final Project Evaluation is initiated by the UNDP Uzbekistan and aims to assess the relevance, performance, management arrangements and success of the project and provide recommendations for possible follow-up. Based on internal assessment and continuous positive feedback of the stakeholders and project beneficiaries, it is envisaged that UNDP Uzbekistan remains committed in continuing its efforts in this field. Therefore, it is anticipated that the outcomes of the evaluation will be a clear source for future planning and prioritization of UNDP Uzbekistan activities in the field of rule of law and civil justice. It should provide the basis for learning and accountability for managers and stakeholders. The evaluation will have to provide to UNDP complete and convincing evidence to support its findings/ratings. Particular emphasis should be put on the project results, the lessons learned from the project and recommendations for the follow-up activities.

This evaluation is to be undertaken in line with the evaluation policy of UNDP (http://www.undp.org/content/undp/en/home/operations/accountability/evaluation/evaluation_policyofundp) and the UNDP Handbook on Monitoring and Evaluating for Results (<http://web.undp.org/evaluation/handbook/index.html>).

The assignment will take place within May/June 2017. It will involve desk work and meetings with national partners and stakeholders, including project beneficiaries. The international consultant will work in close collaboration with UNDP Uzbekistan CO and relevant stakeholders. The meetings with national stakeholders and beneficiaries will take place in Tashkent city, Tashkent region.

EVALUATION OBJECTIVES:

The evaluation is intended to provide a comprehensive overall assessment of the project and to provide recommendations for exit strategy and/or follow-up activities.

The purpose of the Final Evaluation is:

- To assess overall performance against the Project objective and outcomes as set out in Project Document.
- To assess the effectiveness and efficiency of the Project.
- To analyze critically the implementation and management arrangements of the Project.
- To assess the sustainability of the project's interventions.
- To list and document lessons concerning Project design, implementation and management.
- To assess Project relevance to national priorities.
- To assess changes in the baseline situation and provide guidance for the future activities in the area of promoting rule of law, judicial independence and transparency of judiciary.

Project performance will be measured based on Project's Results and Resources Framework, which provides clear indicators for project implementation. The Report of the Final Evaluation will be stand-alone document that substantiates its recommendations and conclusions.

EVALUATION:

Under the direct supervision of the Head of Good Governance Unit and in close cooperation with ROL project Manager, the International Consultant for evaluation of ROL project will be responsible for the completion of the following tasks and duties:

Project concept and design: The evaluator will assess the project concept and design. He/she should review and provide an evaluation of the project strategy, planned outputs, activities and inputs, implementation modality, clarity and effectiveness of management arrangements and cost-effectiveness of approaches taken in relation to the overall project objectives. The evaluator will assess the achievement of results and targets against the project work plans.

Implementation: The evaluation will assess the implementation of the project in terms of quality and timeliness of inputs, efficiency and effectiveness of activities carried out. Effectiveness of management, the quality and timeliness of monitoring and backstopping by all parties to the project should also be evaluated. In particular, the evaluation is to assess the Project team's use of adaptive management in project implementation.

Project outputs, outcomes: The evaluation will assess the outputs in relation to the Country Program outcomes, achieved by the project as well as the likely sustainability of project results. This should encompass an assessment of the achievement of the immediate objectives and the contribution to

attaining the overall objective of the project. The evaluation should also assess the extent to which the implementation of the project has been inclusive of relevant stakeholders and to which it has been able to create collaboration between different partners. The evaluation will also examine if the project has had significant unexpected effects, whether of beneficial or detrimental character. The Final Evaluation will also cover the following aspects:

Results and effectiveness:

Changes in development conditions. Address the following questions, with a focus on the perception of change among stakeholders:

- What are main outputs and outcomes of the project?
- What are the impacts of the project? Do they have equal value for women and men beneficiaries?
- Has project contributed to strengthening public access to and trust in Uzbekistan's civil court system?
- Has project activities contributed in strengthening judicial independence as improving the system of preparation and increasing qualifications of judges, candidates to judge positions and court personnel?
- Has the UNDP partnership strategy been appropriate and effective?
- Has awareness on rule of law, increasing transparency and accountability of courts, improving the efficiency of courts in general and among stakeholders been increased?
- Has attention of stakeholders rule of law, increasing transparency and accessibility of courts, improving the efficiency of courts increased and has it been reflected in concrete actions?
- Have the pilot court began using the E-SUD system? Has implementation of E-SUD system resulted in increasing transparency, accessibility and efficiency civil courts?
- Has implementation of judicial reform, e-justice and transparency initiatives improved?

Measurement of change: Progress towards results should be based on a comparison of indicators before and after the project intervention.

Project strategy: How and why outputs contribute to the achievement of the expected results. Examine their relevance and whether they provide the most effective route towards results.

Sustainability: Extent to which the benefits of the project will continue, within or outside the project domain, after it has come to an end. Relevant factors include for example: adoption of appropriate amendments in legislation, mainstreaming project results and proposals into by-laws of Supreme court and/or other agencies, etc.

Project's Adaptive Management Framework:

Monitoring Systems:

- Assess the monitoring tools currently being used:
- Do they provide the necessary information?
 - Do they involve key partners?
 - Are they efficient?
 - Do they encourage disaggregation of data (by sex, region, age, education)?
 - Are additional tools required?

Risk Management

- Validate whether the risks identified in the project document and the ATLAS Risk Management module are the most important and whether the risk ratings applied are appropriate. Describe any additional risks identified and suggest risk ratings and possible risk management strategies to be adopted for the future activities.

Work Planning

- Assess the use of the logical framework as a management tool during implementation and changes made to it;
- Assess the use of routinely updated workplans;
- Are work planning processes result-based? If not, suggest ways to re-orientate work planning.
- Assess financial management of the project, with specific reference to the cost-effectiveness of interventions.

Reporting

- Assess whether UNDP reporting requirements were met.
- Assess whether disaggregated data is being used.

Underlying Factors

- Assess the underlying factors beyond the project's immediate control that influence outcomes and results. Consider the appropriateness and effectiveness of the project's management strategies for these factors.
- Assess the effect of any incorrect assumptions made by the project.

UNDP Contribution

- Assess whether UNDP's outputs and interventions can be credibly linked to achievement of the outcome, including the outputs, programmes, projects and soft and hard assistance that contributed to the outcome;
- Assess the role of UNDP against the requirements set out in the UNDP Handbook on Monitoring and Evaluating for Results;
- Assess implementation of the new UNDP requirements outlined in the UNDP User Guide, especially the Project Assurance role;
- Assess the UNDP contribution to the project "soft" assistance (policy advice & dialogue, advocacy, coordination).

Partnership Strategy

- Assess how partners are involved in the project's adaptive management framework: (i) Involving partners and stakeholders in the selection of indicators and other measures of performance; (ii) Using already existing data and statistics; and (iii) Analyzing progress towards results and determining project strategies.
- Identify opportunities for stronger substantive partnerships in the future.
- Assess how local stakeholders participate in project management and decision-making. Include analysis of strengths and weaknesses of the approach adopted by the project and suggestions for improvement.
- Assessment of collaboration between governments, intergovernmental and non-governmental organizations.
- Assessment of collaboration between implementation units of other related projects.
- Assessment of local partnerships.
- Transfer of capacity to the national institutions.

Project Finance:

- Assess the cost-effectiveness of the project interventions.

Formulation of a new results framework for future partnership:

The purpose of the formulation of the new results framework for future partnership is to identify the potential entry points for development intervention in the areas of judicial reforms, judicial independence, strengthening rule of law, improving efficiency existing and newly established courts, increasing the transparency and accessibility of judicial information via introducing additional ICT tools in courts, strengthening the powers of the attorneys in court proceedings, usage of alternative dispute resolution methods in judicial system. The documents to be prepared by International consultant during formulation of the new results framework for future partnership should comply with UNDP standards on results-based management, and templates for project document. UNDP Good Governance Unit will provide these necessary templates to the International consultant.

Under the direct supervision of the Head of Good Governance Unit and in close cooperation with Programme Associate on Public Policy, the International Consultant for evaluation of the ROL Project and will be responsible for the completion of the following tasks and duties:

- Analyze major lessons learned from Project's previous activities and conduct country context analysis in order to determine background of problems showing the need/demand for the new results framework for future partnership;
- Prepare project proposal, project justification, identifying the main implementing partner, key stakeholders and beneficiaries, overall goals and specific objectives, a list of main activities, duration, and outputs, potential risks and estimated budget;
- Draft the Results and Resource Framework (RRF) for the proposal on the new results framework for future partnership. The template for RRF will be provided by UNDP Good Governance Unit;
- Advise to UNDP senior management on organization structure for the possible new project, including description of roles and responsibilities of project team members;
- Propose monitoring and evaluation mechanism as well as quality management for activity results during the new project implementation.

EVALUATION METHODOLOGY:

The Final Evaluation will be done through a combination of techniques, including

- Desk review of all relevant documentation (project outputs and other materials);
- Consultations with stakeholders (partners and beneficiaries) and UNDP staff;
- Validation exercise with UNDP CO and national partners of Project.

Evaluation should involve the wider possible range of stakeholders.

Deliverables and timeframe:

- Final Project Evaluation work plan, proposed methodology of evaluation and a report outline, including plan of meetings with stakeholders and beneficiaries. Due date: May 15, 2017
- Draft Evaluation report, including Annex on analysis of validation results for preliminary findings with stakeholders. Due date: May 30, 2017
- Final evaluation report, including Annex on the proposed new results framework for future partnership. Due date June 20, 2017

Timeframe

- Desk review based on of briefings with the project team and GGU- 6 days
- Interviews with local stakeholders, questionnaires, focus groups – 8 days
- Validation of preliminary findings with stakeholders through circulation of initial reports for comments. Preparation of draft evaluation report and incorporation of comments – 11 days

Payment Conditions:

This is a lump sum that should include costs (honorarium, travel, DSA, visa, etc) of consultancy required to produce the above deliverables. Payment will be released in the following installments:

- Upon submission and acceptance by Programme Unit of UNDP of the deliverable 1 - 25% of the lump sum
- Upon submission and acceptance by Programme Unit of UNDP of the deliverable 2 - 30% of the lump sum
- Upon submission acceptance by Programme Unit of UNDP of the deliverable 3 - 45% of the lump sum.