1. **Consultancy Information**
Consultancy title: Final Evaluation for UNDP South Sudan Access to Justice and Rule of Law Project
Duration: 30 days
Duty Station: Juba, South Sudan, with possible travel to states
2. **Background and Context**

The Access to Justice and Rule of Law project was designed to contribute to the South Sudan Development Plan's (SSDP), Conflict Prevention and Security Pillar. The SSDP Rule of Law Sector Objective is **"***to strengthen the Rule of Law in South Sudan by enforcing and maintaining law and order, providing equitable access to justice and a functioning criminal justice system, increasing security in communities and promoting and protecting human rights for all.***"** The project was aligned to the 2012-2016 United Nations Development Assistance Framework (UNDAF) and country programme document (CPD) Outcome Five: *"Access to Justice and the Rule of Law improves,"* and contributes to the current Interim Coordinated Framework (ICF) Outcome 3**:** *"Peace and governance strengthened,"* and CPD Output 3.1: *"Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services*."

Following the signing of the Agreement on the Resolution of the Conflict in South Sudan (ARCISS) in August 2015, the project was aligned with priorities to support transitory security arrangements set forth in ARCISS Chapter II, and the transitional justice mechanisms stipulated in ARCISS Chapter V.

The Access to Justice and Rule of Law project aimed to support rule of law institutions to deliver on their mandates (Judiciary of South Sudan (JoSS), Ministry of Justice (MoJ), Ministry of Interior (MoI) (South Sudan National Police Service (SSNPS) and National Prisons Service of South Sudan (NPSSS), traditional justice and community-level interventions through a sector-wide holistic approach designed to increase the availability, affordability, adaptability and acceptability of justice services in South Sudan. It ws envisaged that UNDP's support would contribute to the provision of equitable access to justice, and promote law and order through accountable and transparent formal and informal institutions. The project had three strategic objectives:

- Increased access to justice through coordinated institutional presence at state and county levels
- Reduction in case backlog
- Mechanisms to address prolonged and arbitrary detention established in rule of law institutions
- Policy framework for the harmonization of the administration of traditional with the formal justice sector put in place
- Capacity development and institutional strengthening

With the December 2013 crisis and the subsequent escalation of conflict in the country, the operating environment changed drastically. UNDP staff had to be evacuated because the volatile security situation following the events of 15 December 2013. Staff could only return in the second quarter of 2014 when the security situation improved slightly. This resulted in the reduction of UNDP's field presence from nine (Central Equatoria, Eastern Equatoria, Western Equatoria, Northern Bahr el-Ghazal, Western Bahr el-Ghazal, Unity, Warrap, Jonglei, and Lakes) to five states (Central Equatoria, Eastern Equatoria, Western Equatoria, Northern Bahr el-Ghazal and Western Bahr el-Ghazal). This geographic contraction was accompanied by a change in the UNMISS mandate, which removed most technical staff from the county level and many from the states, and saw the closure of the Rule of Law and Security Institutions Support Office (RoLSISO), Corrections Advisory Section (CAS) and Justice Advisory Section (JAS). These changes had a significant effect on UNDP's ability to reach the more remote regions of the country, particularly those affected by conflict.

The project was again affected by the crisis in July 2016, which saw violence spread through Juba, Wau, Bor, Torit and Yambio. Another evacuation of staff in Juba and the states caused further disruptions to programming. To effectively respond to these crises, UNDP's programmatic support to rule of law institutions has been guided by the United

Nations Country Team (UNCT) Programme Criticality Analysis[1], Conflict Sensitivity Analysis and conformity to the United Nations Human Rights Due Diligence Policy (UNHRDDP).

Notwithstanding the difficult operating environment, the project continues to provide technical and advisory support to the JoSS, MoJ, SSNPS, NPSSS, and civil society organizations (CSOs). Through co-located Chief Technical Advisors (CTAs), Rule of Law Officers (RoLOs) and Law Enforcement Advisors (LEAs), UNDP's technical support aims to improve access to justice.

3. Purpose of the Evaluation

The Access to Justice and Rule of Law project ended in March 2017 although some project components were extended to September 2017. This final evaluation is being conducted at the request of the national government and UNDP to assess the project's overall contribution towards enabling the "*functions and capacity of rule of law institutions … to deliver accountable, effective and equitable justice services.*" The evaluation will be forward looking and utilisation focussed, and will elaborate lessons and best practices to inform the post March 2017 programming. As per the OECD/DAC criteria, this evaluation will assess relevance, effectiveness and efficiency, sustainability and impact of the project and of the results. The evaluation will assess the intended and unintended outcomes of the Access to Justice and Rule of Law project and recommend strategies for future operational and programmatic effectiveness of similar initiatives in comparable situations.

The evaluation serves as an important accountability function, providing national stakeholders and partners in South Sudan with an impartial assessment of the results including gender equality results of this project. The findings and recommendations of the evaluation will inform the key stakeholders of this evaluation who are the relevant ministries and institutions of the Government of the Republic of South Sudan, civil society organisations, funding partners (Netherlands, Japan, Norway, UKAID, USA INL, Germany) UNDP and other UN agencies.

4. Evaluation scope and objectives

a. Scope

The final evaluation will cover the period of 1 October 2013-31 March 2017, in the following geographic locations - Central Equatoria, Eastern Equatoria, Western Equatoria, Northern Bahr el-Ghazal and Western Bahr el-Ghazal. The evaluation will cover programme conceptualisation, design, implementation, monitoring and evaluation of results. The evaluation will also focus performance of indicators agreed with donors – Netherlands, Japan, Norway, Germany, UKAID, USA and UNDP.

In addition to assessing the relevance, effectiveness and efficiency of the Access to Justice and Rule of Law project, the final evaluation will explore the key factors that have contributed to the achieving or not achieving of the intended results; determine the extent to which the Access to Justice and Rule of Law project contributed to building capacities; addressing crosscutting issues of gender and human rights; forging partnership at different levels, including with government, donors, UN agencies, and communities; sustainability of the Access to Justice and Rule of Law project for continued realisation of results; and to draw lessons learned and best practices and make recommendations for future programming of projects of similar nature. The evaluation will also assess the synergy between the Access to Justice and Rule of Law project and other UNDP initiatives contributing towards the same outcome areas; community security and arms control, democracy and participation, public financial management and support to public administration.

b. Specific evaluation objectives

1. To determine the relevance and strategic positioning of UNDP support to South Sudan Access to Justice and Rule of Law and whether the initial assumptions remained relevant for the duration of the project;
2. The progress to date under each output and what can be derived in terms of lessons learned for future UNDP support towards capacity building and service delivery in Access to Justice and Rule of Law
3. The frameworks and strategies that UNDP and partners devised for its support on Access to Justice and

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[1] *The UNCT together with the UN Mission conducted a programme criticality exercise on 24 – 25 January 2014. The exercise resulted in the identification of six strategic objectives for UN programming in the context of programme criticality levels 2 to 4; and eight areas of support under Level 1 (very high residual risk) and Level 2 (high residual risk). Among the eight areas of PC1 and PC2 activities, promote access to justice and rule of law through capacity development and Institutional strengthening (PC2); establish mechanisms for the protection against SGBV (PC2) and support harmonization of traditional justice with the formal justice sector (PC2) are related to the Access to Justic e and Rule of Law project.*

capacity building of national institutions and whether they are well conceived for achieving planned objectives.
   4. Review how the interventions succeeded to strengthen application of a rights-based approach, gender mainstreaming and participation of other socially vulnerable groups such as children and the disabled
   5. Assess the overall contribution of the project to the state of good governance, rule of law and human rights observance in the country.

5. Evaluation questions
The final project evaluation seeks to answer the following questions, focused around the evaluation criteria of relevance, effectiveness, efficiency and sustainability

Relevance
   1. To what extent is UNDP's engagement in Access to Justice and Rule of Law a reflection of strategic considerations, including UNDP's role in the particular development context in South Sudan and its comparative advantage vis-a-vis other partners
   2. Was the design of the project adequate to properly address the issues envisaged at project formulation?
   3. Are the activities and outputs of the project consistent with the intended outcomes and effects?
   4. To what extent has UNDP capacity building support contributed to influencing national policies/strategies focusing on human rights protection, gender equality and equitable sustainable development
   5. To what extent was UNDP's selected method of delivery appropriate to the development context?
   6. To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives?

Effectiveness
   7. To what extent have project results/targets been achieved or has progress been made towards their achievement?
   8. How have corresponding outputs delivered by the project affected the project/CPD outcomes, and in what ways have they not been effective?
   9. What has been the contribution of other UNDP projects, partners and other organizations to the project results, and how effective have project partnerships been in contributing to achieving the results?
   10. What were the positive or negative, intended or unintended, changes brought about by the project's work?
   11. To what extent did the project benefit women and men equally?
   12. Is UNDP perceived by stakeholders as a strong advocate for improving access to justice in the Country?
   13. Taking into account the technical capacity and institutional arrangements of UNDP South Sudan, is UNDP well suited to providing access to justice and rule of law support in the country?

Efficiency
   14. Has the project implementation strategy and approaches, conceptual framework and execution been efficient and cost effective? Are they sufficiently sensitive to the political and development constraints of the country?
   15. Has there been an economical use of financial and human resources? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outputs??
   16. To what extent were quality outputs delivered on time?
   17. Could a different approach have produced better results?
   18. How is the project management structure operating?
   19. To what extent did monitoring systems provide management with a stream of data that allowed it to learn and adjust implementation accordingly? Did it help ensure effective and efficient project management and accountability of results

Sustainability
   20. What indications are there that the project results will be or has been sustained, e.g., through requisite capacities (systems, structures, staff, etc.)?
   21. To what extent has a sustainability strategy, including capacity development of key national stakeholders, been developed or implemented?
   22. To what extent are policy and regulatory frameworks in place that will support the continuation of benefits?
   23. How will concerns for gender equality, human rights and human development be taken forward by primary stakeholders?

Partnership strategy

24. To what extent were partnership modalities conducive to the delivery of outputs?
25. Are there current or potential complementarities or overlaps with existing partners' programmes?
26. How have partnerships affected the progress towards achieving the outputs
27. Has UNDP worked effectively with partners to deliver on this current Initiative?
28. How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote Access to Justice and Rule of Law in the country
29. The evaluation should also include an assessment of the extent to which programme design, implementation and monitoring have taken the following cross cutting issues into consideration:

Gender considerations

30. To what extent has gender been addressed in the design, implementation and monitoring of access to justice interventions? Is gender marker data assigned this project representative of reality?
31. How were gender issues implemented as a cross-cutting theme? Did the project give sufficient attention to promote gender equality and gender-sensitivity?
32. To what extend did the project pay attention to effects on marginalized, vulnerable and hard-to-reach groups?
33. To what extent was the project informed by human rights treaties and instruments?
34. To what extent did the project identify the relevant human rights claims and obligations?
35. How were gaps identified in the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations, including an analysis of gender and marginalized and vulnerable groups, and how the design and implementation of the project addressed these gaps?

Social inclusion

36. How did the project consider the plight and needs of the vulnerable and disadvantaged to promote social equity, for example, women, youth, and disabled persons?

Based on the above analysis, the evaluator is expected to provide overarching conclusions on the project results in this area of support, as well as recommendations on how the UNDP South Sudan Country Office could adjust its programming, partnership arrangements, resource mobilization strategies, and capacities for similar future initiatives

6. Methodology for the evaluation

The final evaluation will be carried out in accordance with UNEG Evaluation Norms and Standards of Evaluation and Ethical Standards as well as OECD/DAC evaluation principles and guidelines and fully compliant with the DAC Evaluation Quality Standards (206). This final evaluation involves qualitative and quantitative methods to evaluate programme implementation and their performance and to make recommendations for the next programme cycle.

The evaluation will be carried out by an independent evaluator, and will engage a broad range of key stakeholders and beneficiaries, including government officials, donors, civil society organizations, community based organisations, UN agencies, UN mission and UNDP staff, etc. This evaluation is expected to take a "programme theory/theory of change" (TOC) approach to determining causal links between the interventions that UNDP South Sudan has supported, and observed progress in access to justice and rule of law at the country level. Evidence obtained and used to assess the results of UNDP support should be triangulated from a variety of sources, including verifiable data on indicator achievement, existing reports, midterm evaluation report, perception survey reports, and technical papers, stakeholder interviews, focus groups, surveys and site visits as applicable

5.1. Data Collection

The final evaluation will be carried out through a wide participation of all relevant stakeholders including the UN, the GRSS institutions (JoSS, MoJ, MoI [SSNPS and NPSSS], Local Government Board, Ministry of Gender, Ministry of Health, Ministry of Education, South Sudan Law Review (Reform) Commission, other government partners, CSOs, development partners and rights holders. Field visits to selected project sites; and briefing and debriefing sessions with UNDP and the government officials, as well as with development partners, are envisaged. Data collected should be disaggregated (by sex, age and location) where possible.

In order to use existing sources/information and avoid duplication, data will be mainly collected from various information sources through a comprehensive desk review that will include the analysis of relevant documents,

information, data/statistics, triangulation of different studies etc. Data will also be collected from stakeholder key informants through interviews, discussions, consultative processes, and observations in field missions. This phase will comprise:

i. Review and analysis of relevant documents, including GRSS programmatic documents & reports, UN(DP) strategic documents, project documents & reports, recent studies and research reports, developmental and social reports, (see list attached and relevant links);

ii. Critical analysis of available data with regards to the national guiding documents as well as the intended project inputs to the GRSS.

The final evaluation will benefit from and optimally use the data collected through other evaluation exercises, such as the project mid-term evaluation, programmatic surveys/evaluations, donor reports, outcome evaluations to determine the effectiveness of the project in supporting the achievement of national priorities. Other documents to be reviewed are in Annex 1.

The final evaluation should also take into account the lessons learnt from other relevant evaluations in terms of:

i. Response to the national development objectives (programme relevance);

ii. Creating a common, coherent and results-oriented strategy for successor programmes;

iii. Facilitating joint programmes to the extent possible (reducing overall transactions costs).

Activity	Deliverable	Time allocated
Evaluation design, methodology and detailed work plan	Inception report	5 days
Inception Meeting Initial briefing		
Documents review and stakeholder consultations	Draft report	20 days
Field Visits		
Data analysis, debriefing and presentation of draft Evaluation Report		
Validation Workshop		
Finalization of evaluation report incorporating additions and comments provided by all stakeholders and submission to UNDP South Sudan.	Final evaluation report	5 days
Total number of working days		30 days

7. Evaluation products (Deliverables)

Under the guidance and supervision of the Access to Justice and Rule of Law Project Manager, in consultation with the Partnership and Management Support Unit, and the final evaluation reference group, the consultant shall provide the following deliverables:

i. **Inception report:** The evaluator will prepare an inception report that details the evaluator's understanding of the evaluation and how the evaluation questions will be addressed. This is to ensure that the evaluator and the stakeholders have a shared understanding of the evaluation. The inception report will include the evaluation matrix summarizing the evaluation design, methodology, evaluation questions, data sources and collection analysis tool for each data source and the measure by which each question will be evaluated. The evaluator will also propose a rating scale in order that Performance rating will be carried out for the four evaluation criteria: relevance, effectiveness, efficiency and sustainability. The inception report will be discussed and agreed with partners and UNDP country office before the evaluator proceed with site visits (**Structure Annexe 2)**

ii. **Draft final evaluation report** - The consultant will prepare the draft evaluation report cognisant of the proposed format of the report and checklist used for the assessment of evaluation reports (see annexes). The report will be submitted to Local Programme Appraisal Committee (LPAC) through the UNDP Country Director for validation. Comments from the LPAC and stakeholders will be provided within 10 days after receiving the Draft Report. The report will be reviewed to ensure that the evaluation meets the required quality criteria. The report will be produced in English. . The evaluator will produce an 'audit trail' indicating whether and how each comment received was addressed in revisions to the final report.

iii. **Final evaluation Report.** The final report (30-50 pages) will include comments from the LPAC and other stakeholders will be submitted 10 days after receiving all comments. This will be submitted to LPAC through the UNDP Country Director for validation. It will include recommendations, policy options and conclusions. (**Structure in Annexe 3)**

8. Evaluation team composition and required competencies

Functional competencies
- Minimum Master's degree in Extensive expertise, knowledge, and experience in the fields of community security, conflict prevention, peace building and reconciliation, governance, inclusive participation, gender mainstreaming and human rights promotion;
- Minimum 10-15 years of professional experience in areas of democratic governance, rule of law, access to justice international human rights law or international relations, regional development, gender equality and social services.
- At least 5 years of experience in conducting evaluations of national human rights institutions or government and international aid organisations;
- Direct experience with civil service capacity building is an added advantage
- Excellent writing skills with a strong background in report drafting;
- Demonstrated ability and willingness to work with people of different cultural, ethnic and religious background, different gender, and diverse political views;
- Ability to use critical thinking, conceptualize ideas, and articulate relevant subject matter in a clear and concise way.

Corporate competencies
- Demonstrated integrity by upholding the United Nations' values and ethical standards;
- Appreciate differences in values and learning from cultural diversities;
- Promotes UNDP vision, mission and strategic goals;
- Displays cultural, gender, religion, race, nationality and age-based sensitivity and adaptability;
- Demonstrates diplomacy and tact in dealing with sensitive and complex situations.

Professionalism
- Demonstrates professional competence and mastery of subject matter;
- Demonstrated ability to negotiate and apply good judgment;
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results.

Planning & Organizing
- Establishes, builds and maintains effective working relationships with colleagues to achieve the planned results.

5.	Evaluation Ethics

This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation. The Consultants must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on it data. The Consultants must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorisation of UNDP and partners.

6.	Implementation arrangements

The UNDP South Sudan Country Office will select the evaluator through and open process in consultation with the partners. UNDP will be responsible for the management of the Consultant and will in this regard designate focal persons for the evaluation and any additional staff to assist in facilitating the process (e.g., providing relevant documentation, arranging visits/interviews with key informants, etc.) The UNDP will take responsibility for the approval of the final evaluation report in liaison with the partners.

The designated Ministry focal point will assist the Consultant in arranging introductory meetings with the relevant parties in UNDP, partners and government and civil society. The Consultant will take responsibility for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The UNDP Country Office will develop a management response to the evaluation within 2 weeks of report finalization.

The Access to Justice and Rule of Law Project Manager will convene an evaluation reference group comprising of technical experts from partners and UNDP to enhance the quality of the evaluation. This reference group will review the inception report and the draft evaluation report to provide detail comments related to the quality of methodology, evidence collected, analysis and reporting. The reference group will also advise on the conformity of evaluation processes to the UNEG standards. The evaluator is required to address all comments of the reference group completely and comprehensively. The Evaluators will provide a detail rationale to the advisory panel for any comment

that remain unaddressed.	

7. Evaluation team
The evaluation team will comprise two independent members (one national and another international) who were, at no point directly associated with the design and implementation of any of the activities associated with the outcomes. The international consultant will be the team leader.

8. Annexes

Annex 1: Recommended List of Documents
1. UNEG standard for evaluation in the UN system, UNDP evaluation policy
2. UNDP handbook on planning, monitoring and evaluation of development results
3. Project mid-term and outcome evaluation report
4. UNDAF documents
   - The first UNDAF 2012-2013
   - UNDAF 2014-2016
   - UNDAF outcome evaluation
5. CPAP (2012-2013), revised CPAP (2012-2016), CPD (2016-2017)
6. CPAP M&E framework
7. Project Annual Work Plans
8. Project Annual Reports – 2013-2016
9. Project progress reports (including donor and DIM reports)
10. Project board minutes and audit reports

Annex 2: Structure of inception report

Introduction	1.1. Objective of the evaluation
	1.2. Background and context
	1.3. Scope of the evaluation
Methodology	2.1. Evaluation criteria and questions
	2.2. Conceptual framework
	2.3. Evaluability
	2.4. Data collection methods
	2.5. Analytical approaches
	2.6. Risks and potential shortcomings
Programme of work	3.1. Phases of work
	3.2. Team composition and responsibilities
	3.3. Management and logistic support
	3.4. Calendar of work
Annexes	1. Terms of reference of the evaluation
	2. Evaluation matrix
	3. Stakeholder map
	4. Tentative outline of the main report
	5. Interview checklists/protocols
	6. Outcome model
	7. Detailed responsibilities of evaluation team members
	8. Reference documents
	9. Document map
	10. Project list
	11. Project mapping
	12. Detailed work plan

Annex 3: Structure for final evaluation report

Indicative Section	Description and comments
Title and opening pages	Name of programme or theme being evaluated
	Country of programme

	Name of the organization to which the report is submitted Names and affiliations of the evaluators Date
Table of contents	
List of acronyms and abbreviations	
Executive summary	This should be an extremely short chapter, highlighting the evaluation mandate, approach, key findings, conclusions and recommendations. Often, readers will only look at the executive summary. It should be prepared *after* the main text has been reviewed and agreed, and should not be circulated with draft reports.
Chapter 1: Introduction	Introduce the rationale for the evaluation, including mandate, purpose and objectives, outline the main evaluation issues including the expected contribution at the outcome level, address evaluability and describe the methodology to be used. Refer to the outcome model and evaluation matrix, to be attached as annexes.
Chapter 2: The Development challenge	In addition to providing a general overview of historical trends and development challenges, specifically address the development challenge in the rule of law sector. Explain how issues surrounding the promotion of and adherence to rule of law is addressed by government, and how it is reflected in national policies and strategies. Also provide information on the activities of other development partners in the area.
Chapter 3: UNDP response and challenges	Against the background of Chapter 2, explain what the project has done in this area (purely descriptive, not analytical). Provide the overarching outcome model, specifying the results frameworks for the project, descriptions of the main project activities, especially if they are going to be assessed later.
Chapter 4: Contribution to results	Against the background of Chapters 2-3, analyse findings without repeating information already provided. Also, minimize the need to mention additional factual information regarding projects and programmes (these should be described in Chapter 3). Focus on providing and analysing *evidence* relating to the evaluation criteria. Preferably, structure the analysis on the basis of the main evaluation criteria: • Relevance (of UNDP's involvement and the project approach) • Effectiveness (in contributing to the achievement of project outcomes, outputs). • Efficiency (in delivering outputs) • Sustainability (of the project outcomes, outputs) • Gender considerations • Social inclusion In addressing the evaluation criteria, the narrative should respond to the corresponding questions identified in the evaluation matrix and provide a summary analysis of the findings. Partnerships play a key role in ensuring that primary stakeholders achieve outcomes. As such, all evaluation criteria should cover relevant aspects of partnership: i.e., how were they relevant; how effective were they in contributing to the achievement of project outcomes, outputs; how efficiently were they managed; and how sustainable are they? Where appropriate, discuss cross-cutting themes separately using the main evaluation criteria. **Do not allow the discussion to drift into conclusions and recommendations.**
Chapter 5: Conclusions and Recommendations	Conclusions are judgements based on evidence provided in Chapter 4. They are pitched at a higher level and are informed by an overall, comparative understanding of all relevant issues, options and opportunities. Do not provide new evidence or repeat evidence contained in earlier chapters. Recommendations should be derived from the evidence contained in Chapter 4. They may also,

	but need not necessarily, relate to conclusions. In line with the nature of the evaluation, some recommendations may be more strategic in nature, while others may be more action-oriented. Recommendations should be important and succinct. **Please limit to 5-10.**

Annexes	• ToR for the final evaluation.
	• List persons interviewed, sites visited.
	• List documents reviewed (reports, publications).
	• Data collection instruments (e.g. copies of questionnaires, surveys, etc.).
	    o Assessment of the progress by outcomes and outputs, in relevance to the nationally defined goals.
	    o Photos
	    o Stories worth telling (most significant changes [MSC])

Annex 4: Sample Evaluation Matrix

Relevant evaluation criteria	Key Questions	Specific Sub-Questions	Data Sources	Data collection Methods / Tools	Indicators/Success Standard	Methods for Data Analysis