

**TERMS OF REFERENCE**

**Consultancy for:** Independent Impact Evaluation of the Rule of Law Programme (SRLP), UNDP Pakistan.

**Evaluation Firm:** Team composition:

1. Senior Evaluator (Team leader)
2. Legal Expert (to cover legal aid, judiciary, and ADR aspects)

3. Police/prosecution expert

4. Data analyst

5. Report writer

**Mission Duration:** Three months

**Evaluation period:** 2012 to 2018

**Mission Location:** Districts of Malakand Division (Swat, Dir Lower, Dir Upper, Buner, Chitral)

Southern KP districts (Kohat, Bannu, Dera Ismail Khan)

**Programme Background and Context**

**Project Title:** Strengthening Rule of Law Programme (SRLP)

**Project Duration:** October 2011 – December 2018

**Implementing Agency: UNDP, Pakistan**

**Donor Agencies:** Swiss Agency for Development and Cooperation (SDC), Kingdom of the Netherlands, European Union (EU), US-INL, and Government of Khyber Pakhtunkhwa

**Implementing Partners (Responsible Parties):**

**NGOs/CSOs:** LAPH, DADO, HUJRA, CERD, SRSP, FRD, EHSAR, PRDS

**Government Departments:** Judiciary, Police, Prosecution, Home and Tribal Affairs Department and Planning and Development Department of Khyber Pakhtunkhwa, Police Training Centre Hangue, KP Judicial Academy (KPJA), University of Peshawar, and University of Malakand

##### **B. Project Description**

In 2011, UNDP began implementation of a rule of law programme in the post-crisis area of Malakand Division, Khyber Pakhtunkhwa. UNDP’s Strengthening Rule of Law Programme (SRLP) was launched in Malakand Division responding to the PCNA recommendations wherein support to justice sector was flagged as high priority area. In its inception, the Programme secured funding from Swiss Development Cooperation (SDC), the Kingdom of Netherlands (EKON) and government of Khyber Pakhtunkhwa (KP). In 2015, the Programme tapped more funding form the European Union (EU) and was expanded to include three additional southern districts in Khyber Pakhtunkhwa as well maintaining Programme activity in all 7 districts of Malakand Division.

SRLP is unique for having a 25% cost-sharing agreement with the Khyber Pakhtunkhwa Provincial Government for its entire budget, indicative of strong government commitment and partnership. SRLP is funded by the Swiss Development Cooperation (SDC), Kingdom of Netherlands (EKON), the European Union (EU), US-INL as well as UNDP. Under the joint EU-UNDP Rule of Law Programme, the EU is providing specific funding for policing as well as ADR.

SRLP is oriented around five main and reinforcing goals: (i) enhancing access to justice and legal aid; (ii) building the capacity of courts for greater service delivery; (iii) supporting ‘informal’ justice mechanisms to provide just and speedy services (e.g. ADR); (iv) strengthening police and prosecution capacity; and (v) development of knowledge material and data through research, monitoring and evaluation for internal and external consumption to support program visibility and policy.

SRLP is aligned with and guided by existing government commitments and policies relating to undertaking rule of law work in Khyber Pakhtunkhwa, including the Malakand Comprehensive Stabilization and Socio-Economic Strategy 2009, Post Crisis Needs Assessment 2010, Integrated Development Strategy 2014-2018, the Khyber Pakhtunkhwa Annual Development Programme 2017-2018, the Khyber Pakhtunkhwa Strategic Development Programme Framework 2013 and the Output Based Budget and Medium Term Targets 2014-2017.

##### **C. Purpose and Scope of Work**

According to the Monitoring and Evaluation Plan developed at the inception of the Programme, SRLP was to be evaluated in three stages. The first stage, a Strategy Review Report was an internal review process assessing the progress of the Programme and addressing challenges, which was conducted by the UNDP- Bureau for Crisis Prevention and Recovery’s Rule of Law Team. Afterwards, a mid-term evaluation was carried out in 2015. This impact evaluation is now planned in order to assess the overall impact programme has made on the state institutions as well as on communities as a result of the achievements made during 2012-2018. This evaluation will also analyze the extent to which recommendations emanated from the mid-term evaluation were relevant and effective in programme course correction. The aim of this impact evaluation is also to compile lessons learnt from the overall impact made by the Programme and extend recommendations facilitating design of next phase of the programme or any related future interventions. This evaluation will be based on the five assessment criteria defined by UNEG i.e. efficiency, effectiveness, relevance, impact and sustainability.

The outcome of this evaluation should help the SRLP, along with all other stakeholders, to better support the rule of law entities through sustainable capacity development for the application of the rights-based approaches and gender mainstreaming, and to support improved access to justice for the citizens of targeted districts in Khyber Pakhtunkhwa.

The scope of this evaluation covers the interventions carried out from the inception of SRLP in October 2012 to the present. The geographic area for the evaluation will include five districts (Swat, Lower Dir, Upper Dir, Buner, and Chitral) of Malakand division and three districts of southern KP, namely Kohat, Bannu and Dera Ismail Khan in which SRLP interventions have been undertaken during the period of this evaluation. Target groups for the evaluation include provincial rule of law institutions/authorities, UN personnel, relevant national/international civil society organizations, donor agencies and community members, most importantly, women.

Specifically, the evaluation will assess the following aspects of SRLP:

1. **Relevance:**
2. Evaluate the logic and as well as the relevance of results-chain for each of the project’s 5 components, for supporting the justice and rule of law sectors, and providing subsequent capacity building support to improve justice and rule of law.
3. The extent to which the SRLP implementation strategy has been responsive to the emerging needs of the rule of law institutions, donor agencies and communities.
4. The extent to which a gender & human rights perspective has been taken into consideration and has been effective for the targeted institutions and communities.
5. Assess needs for SRLP to possibly align its scope of interventions in line with emerging priorities, taking into consideration the key national, provincial initiatives and international assistance.
6. **Efficiency:**
7. Evaluate the efficiency of the project implementation and value for money of resources utilized to achieve its stated results.
8. Assess adequacy of funds for programme implementation up to 2018 and analyse project strategy for resource mobilization for future interventions.
9. **Effectiveness:**
10. Assess extent to which four pathways (of ADR, police, judiciary and access to free legal aid) complemented each other to achieve the objective of providing enhanced access to justice to the communities in the targeted districts of KP.
11. Whether the UNDP and SRLP oversight and management structures during the review period were effective;
12. Flexibility, creativity and responsiveness demonstrated by SRLP to respond to emerging needs and priorities of the justice sector;
13. Quality, timeliness and adequacy of Programme monitoring and reporting in timely decision making by project managers;
14. Identify factors that limited Programme capabilities to meet targets and objectives.
15. Assessthe extent to which SRLP partnership with government departments, CSOs and international partners ensured a coordinated support to rule of law institutions and to explore areas for improvement;
16. Evaluate whether participatory approaches were employed during the design, planning and implementation of the SRLP
17. **Impact:**
18. Explore if and how various pathways had a positive/negative/no impact on each other
19. Evaluate the impact of the programme if any on its wider environment vis-a- vis the Rule of Law Sectors in KP and also its contribution towards the wider objectives of the Government of KP in this sector.
20. Assess what changes in the access to justice and rule of law sector (at the level of individuals, institutions, communities or societies) - intended and unintended, positive and negative – have been brought by the Programme.
21. **Sustainability:**
22. Sustainability of the activities for capacity development of the rule of law actors;
23. Assess how the capacity development methodologies used by SRLP are adequate and effective; and suggest how the sector specialists performing line functions can progressively play a more effective advisory role;
24. Extent to which the infrastructure and technical assistance provided to Model Police Stations, Dispute Resolution Councils, Legal Aid Desks, Regional Forensic Science Lab, Regional Police Training Centre and other institutional support provided to the rule of law intuitions under the SRLP are sustainable;

**Evaluation questions**

The Evaluation Firm should consider the following questions, within the framework of the evaluation criteria mentioned above, when conducting the Evaluation. This list of questions is representative and not exhaustive and will be further detailed and agreed upon as part of the evaluation inception report.

1. **Relevance:**
2. Has UNDP been able to design SRLP interventions within the context of justice and rule of law strategies of Pakistan?
3. Did the partners, target groups and beneficiaries consider that the interventions contributed/would contribute to human rights, rule of law and justice priorities.
4. Have the interventions responded to the needs and priorities identified by government and UN partners?
5. **Efficiency:**
6. Have the resources (funds, human resources, time, etc.) of SRLP interventions been efficiently used to achieve the relevant outputs?
7. Have the Programme interventions been implemented within intended deadlines and cost estimates?
8. **Effectiveness:**
9. Have the project’s expected results been achieved / will be achieved and what are the supporting or impeding factors?
10. Have the Programme interventions contributed to the capacity building of rule of law institutions as well as other national partners such as bar associations, CSOs, etc?
11. To what extent SRLP interventions were coordinated with other partners’ interventions? What has been the nature and added value of these partnerships?
12. To what extent were stakeholders Government counterparts, CSOs and international partners involved in design, planning and implementation of the SRLP
13. To what extent was the SRLP designed to develop the necessary local institutional capacity (Government/Non-Government).
14. **Impact:**
15. On capacity development, what has happened with the knowledge gained and the skills developed for the targeted institutions?
16. Was there clear evidences of results and recognition of UNDP support?
17. **Sustainability:**
18. To what extent were the capacity building activities under each component producing lasting results?
19. What steps have been taken to ensure sustainability of results? How did the development of partnerships at the national and provincial levels contribute to sustainability of the results?
20. What improvement can be incorporated into the Programme’s strategies to effectively build local counterparts’ capacity for addressing justice and rule of law issues in Khyber Pakhtunkhwa?
21. How, and to what extent did the SRLP design, implementation strategy/ partnership, and governance foster national ownership and capacity development?

**Methodology**

A detailed methodology and sampling design which will be part of the Inception Report, should focus on methods to achieve the objectives of the evaluation. The Evaluation Firm will undertake both qualitative and quantitative analysis to ascertain the effectiveness and impact of the Programme interventions. The qualitative analysis should be based on semi structured interviews (Focus groups, key informants and individual interviews). The quantity of focus groups and key informants should cover the entire scope of the project, the firm will be required to provide these through its inception report. The quantitative analysis should focus on structured questions through perception survey in areas/district where the programme is being implemented.

The team will conduct a desk review of existing documentation with regards to human rights and justice, including National Judicial Policy, strategic plans of rule of law sector institutions, Post-crises Needs Assessment (PCNA) and Strategic Development Partnership Framework (SDPF) reports. They are also expected to review Programme documents, annual and quarterly progress reports, mid-term evaluation and research studies, training manuals, UNDP Country Programme Document and other relevant documents. They will also conduct extensive one-on-one interviews with beneficiaries and key informant interviews with stakeholders, and focus group discussions with national authorities, UN personnel, strategic partners, relevant national and international organizations, donors and individuals, and carry out field missions for direct observation of Programme activities.

To ensure the quality of reported results, data triangulation will be included as part of the methodology. Based upon the above assessment, the Evaluation firm will compile lessons learnt and make recommendations for the future rule of law programming.

The quantitative and qualitative data will be the property of UNDP and will be shared in totality with UNDP as soon as data is recorded and coded in SPSS (Quantitative data) and NVivo (Qualitative data).

Data will be used while presenting the findings without compromising the confidentiality and anonymity of the participants. For this, Labels will be used to hide the identities of the participants in the final report however in the first draft to UNDP the firm will produce the findings with data without labels. The coding and labelling scheme will be discussed and implemented after approval from UNDP.

The findings of the report will be based on concrete qualitative and quantitative data as evidences. The analysis will be an important section of the report which will be based on the findings reported earlier in the report. The conclusions will be rooted on the analysis of the findings. The recommendations will be linked to conclusions.

##### **D. Expected Outputs and Deliverables**

Deliverables are as follows:

1. **Inception Report:** The firm will submit an inception report that would reflect the evaluators understanding of the assignment, proposed approach and methodology; and schedule of tasks, activities and deliverables along with assigned responsibilities for the mission members.
2. **Evaluation Report:** The firm will submit (i) before the end of the evaluation mission- a *draft evaluation report* of SRLP, highlighting achievements, constraints, and lessons learnt as well as corrective measures where required and recommendations (*see below for further details on the Evaluation Report Format*).
3. **Presentation of Executive Summary and Recommendations:** The firmwill present a summary of evaluation findings, conclusions and recommendations at a debriefing meeting with UNDP and development partners. This meeting will be organised by the firm in collaboration with UNDP to share the preliminary recommendations and receive feedback from SRLP counterpart institutions and development partners.
4. **Final Report:** within one week after receiving written comments and feedback to the draft evaluation report from UNDP and SRLP Management, evaluation team will submit the final reportaddressing the received feedback.

The Evaluation Report should contain the following:

* Title Page
* List of acronyms and abbreviations
* Table of contents, including list of annexes
* Executive Summary
* Introduction: background and context of the programme
* Description of the programme – its logic theory, results framework and external factors likely to affect success
* Purpose of the evaluation
* Key questions and scope of the evaluation with information on limitations and de-limitations
* Approach and methodology
* Findings
* Analysis - explanation and interpretation of findings
* Conclusions
* Recommendations
* Lessons, generalizations, alternatives
* Annexes

**Related Evaluation Activities**

To achieve the objectives and produce the deliverables of the evaluation, the =firm will be expected to undertake related activities including:

1. **Review existing documentation:** The firm will conduct a literature review on the rule of law / justice sector, including the National Judicial Policy, the Project Document and associated Progress Reports, Post-crisis Need Assessment (PCNA), Strategic Development Partnership Framework (SDPF), PILDAT Rule of Law index, KP Rule of Law Roadmap and other relevant documents including Programme midterm evaluation and research studies. This documentation will be made available to Consultant prior to their deployment to the duty station.
2. **Prepare Inception Report:** The firm will present an Inception Report elaborating the evaluation methodology to the stakeholders at the beginning of the evaluation.
3. **Meetings with stakeholders**[[1]](#footnote-1)
4. The UNDP SRLP team will brief the Firm upon arrival and provide all necessary details and clarifications on the documents made available for the desk review.
5. The Firm will meet with the Programme team, Project Manager, Chief Democratic Governance Unit, DCD-Programme, SMU, and Country Director, UNDP.
6. The Firm will meet with focal point of Peshawar High Court, DG Prosecutions, focal points from KP Police, Planning and Development Department, Home and Tribal Affairs Department, KPJA, PTC Hangu staff, Universities of Malakand and Hazara and other relevant rule of law sector officials – District & Session Judges, District Public Prosecutors, District Police Officers and District Bar Associations, etc.
7. The Firm will meet with bilateral donor representatives present in the country, including SDC, US-INL, Kingdom of the Netherlands, European Union, etc.
8. The Firm will meet with relevant Civil Society Organisations such as DADO, LAPH, HUJRA, SRSP, PRDS, FRD, etc.
9. Beneficiary feedback will be sought from the local communities, especially females to gauge their feedback on various programme interventions.
10. **Consultation on draft report and recommendations:** Following the submission of the draft report, undertake consultations with stakeholders to receive their feedback for incorporation into the final report.

**E. Institutional Arrangement**

UNDP- Pakistan, Democratic Governance Unit and SRLP will facilitate the work of the consultants before and during the assignment period. The Programme Officer in the UNDP- Pakistan, Democratic Governance Unit, in close coordination with the SRLP Programme Manager, will be the focal point for this evaluation. While the evaluation should remain fully independent, the Evaluation Focal Point in the DGU will provide both substantive and logistical support to the Evaluation team. The Evaluation Focal Point will 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 Firm will be assessed by UNDP.

**Timeframe for the Evaluation Process**

**F. Duration of the Work[[2]](#footnote-2)**

The duration of work is three months: one month in the field and rest of the time will be dedicated to desk work and report writing.

**G. Duty Station**

The evaluation /firm will be based in Islamabad and Peshawar with field visits to the five districts in Malakand Division and Southern KP where SRLP implements activities (to be agreed upon as part of the methodology in the inception report).

**H. Qualifications of the Successful Contractor**

The mission will take place in xx, and will be for a period of three months with the following details.

1. The Firm should have extensive experience in monitoring and evaluation of large programmes in developing countries. The Firm would be familiar with UNDP/UN evaluation policies and procedures, and with the programming principles of the UNDP/UN. Proven experience in the Justice sector including public administration, justice sector development and relations between state institutions is necessary. The Firm should be familiar with the reality in Khyber Pakhtunkhwa. The team leader will allocate roles and responsibilities within the team, including meeting schedules and drafting duties, and be responsible for timely delivery of the mission reports.

The Firm should have proven relevant background and experience in rule of law, judicial reforms and access to justice, informal justice, justice programming or legal/judiciary experience in the context of Pakistan and Khyber Pakhtunkhwa.

UNDP Democratic Governance Unit and SRLP will also 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 with the help of the Programme team.

**4.1 Experience and Qualifications of the Firm**

Qualifications of the firm:

* Minimum 10 years programme evaluation experience in rule of law and/or justice sector.
* Familiarity with international context and post-conflict/ crises in developing societies.

Relevant experience and knowledge of UNDP Rules and Procedures.

* Experience in human resources and institutional capacity development, including gender equality.
* Experience and knowledge of the socio-political context of Khyber Pakhtunkhwa would be an asset, in particular in relation to the rule of law sector.
* Proven capacity to effectively collect, analyse and evaluate data/information
* Ability to organize and synthesize information in a systematic manner
* Excellence in report writing .
* Ability to communicate in English, Urdu and Pashtu.
* Initiative, ability to work as a team, sound judgment and good interpersonal skills.

Competencies:

**Corporate Competencies:**

* Demonstrates integrity by modeling the UN’s values and ethical standards (human rights, peace, understanding between peoples and nations, tolerance, integrity, respect, results orientation (UNDP core ethics) 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;
* Demonstrates good oral and written communication skills;
* Has ability to work both independently and in a team, and ability to deliver high quality work on tight timelines.

**Behavioural competencies:**

* Gender-sensitive;
* Comfortable working in dynamic environments that change frequently;
* Able to perform in a high-stress and difficult security environment, with austere living quarters.

**Computer Skills:**

* Proficiency in Microsoft Office, Excel, Power Point, and SPSS/ STATA software

**Evaluation Ethics**

This Evaluation will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation 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.

The quantitative and qualitative data will be the property of UNDP and will be shared in totality with UNDP as soon as data is recorded

**I. Scope of Price Proposal and Schedule of Payments**

The payment is linked with achievements of the below mentioned deliverables and shall be released upon satisfactory completion of each deliverable report certified by UNDP.

**Price and schedule of payments**

|  |  |  |  |
| --- | --- | --- | --- |
| **Deliverables** | **Description of deliverables** | **Submission timeline** | **Percentage of the payment** |
| Deliverable 1 | Preparation and submission of a detailed work plan: certified by UNDP | 5 days | 15% of the installment |
| Deliverable 2 | Inception report: Desk review; development of methodology and questionnaires: certified by UNDP | 15 days | 20% of the installment |
| Deliverable 3 | Conduct field survey, FGDs, key informant interviews | 40 days | 20% of the installment |
| Deliverable 4 | Draft report: certified by UNDP | 15 days | 20% of the installment |
| Deliverable 5 | Final report: certified by UNDP | 15 days | 25% of the installment |

**Recommended Presentation of Offer**

**Documents to be included when submitting the proposals**

|  |
| --- |
| Interested Firm must submit the following: documents/information to demonstrate their qualifications in **one single PDF document:**   1. Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP (Annex II). 2. **Personal CVs or P11 and profile of the firm**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Firm and at least three (3) professional references. 3. **Technical proposal:**    1. Brief description of why the Firm is the most suitable for the assignment    2. 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 (Annex II) |

**K. Criteria for Selection of the Best Offer**

**Cumulative analysis**

The award of the contract shall be made to the Firm 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. 70%-30%.

\* Technical Criteria weight: 70%

\* Financial Criteria weight: 30%

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation

**Technical Criteria – Maximum 70 points**

* Criteria A: Relevance of Education – Max 10 points
* Criteria B: Competencies and Special skills – Max 5 points
* Criteria C: Relevance of experience – Max 30 points
* Criteria D Description of approach/methodology to assignment (if applicable) – Max 25 points

**L. Annexes to the TOR**

Existing literature or documents that will help Offerors gain a better understanding of the project situation and the work required should be provided as annex/es to the TOR, especially if such literature or documents are not confidential.

**M. Approval**

**This TOR is approved by** : [*indicate name of Approving Manager*]

Signature

Name and Designation

Date of Signing

1. This is not an exhaustive list, but suggestive. The Evaluation Consultant will, at all stages of the evaluation, determine which other stakeholders should be consulted – if necessary and in accordance with evaluation objectives. Also, the Evaluation Consultant may use a variety of methods, including one-on-one or group interviews, questionnaires, field visits, etc. [↑](#footnote-ref-1)
2. The IC modality is expected to be used only for short-term consultancy engagements. If the duration of the IC for the same TOR exceeds twelve (12) months, the duration must be justified and be subjected to the approval of the Director of the Regional Bureau, or a different contract modality must be considered. This policy applies regardless of the delegated procurement authority of the Head of the Business Unit. [↑](#footnote-ref-2)