



UNITED NATIONS DEVELOPMENT PROGRAMME TERMS OF REFERENCE

1. Consultancy information

Consultancy title: Mid-Term Evaluation for UNDP Pacific Fiji Access to Justice Project

Countries: Fiji

Project Timeframe: 11 July 2016 – 10 January 2021

Budget: USD 9,217,684

Estimated financial delivery by end March 2019: USD 4,269,116

Duration: 25 days

Duty Station: Suva, Fiji, with possible travel within the country

2. Background and context

The Fiji Access to Justice Project, funded by the European Union and implemented by the United Nations Development Programme, supports access to justice for impoverished and vulnerable groups through empowering people to access legal rights and services through the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. The project seeks to “Empower Fijians to access justice and strengthen Fijian key justice sector institutions to deliver access to justice, particularly for impoverished and vulnerable groups”. The Legal Aid Commission and the Judicial Department are the two key justice institutions entry points for access to justice, along with links to other institutions, and are being strengthened under this project.

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institution duty bearers to realise and protect legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice.

3. Purpose of the evaluation

The Fiji Access to Justice project runs from July 2016 to December 2020. This mid-term evaluation is being conducted in concurrence with the evaluation timeline in the project document, to provide insights and feedback on the progress of the project to date. The evaluation will be forward-looking and utilisation focused, and will elaborate lessons and best practices to inform programming in the second half of the project. 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 Fiji Access to Justice 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 Fiji 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, namely the Judicial Department and Legal Aid Commission, civil society organisations, UNDP and other UN agencies.

4. Evaluation scope and objectives

Scope

The mid-term evaluation will cover the period of 11 July 2016 - 31 March 2019, mainly based in Suva with possible travel to Lautoka, Labasa and/or Kadavu. The evaluation will cover programme conceptualisation, design, implementation, monitoring and evaluation of results. The evaluation will also focus performance of indicators agreed with the donors.

In addition to assessing the relevance, effectiveness and efficiency of the Fiji Access to Justice project, the mid-term 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 Fiji Access to Justice 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 Fiji Access to Justice 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.

Specific evaluation objectives are:

1. To determine the relevance and strategic positioning of UNDP support to Fiji Access to Justice and whether the initial assumptions remain relevant for 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 Fiji Access to Justice;
3. 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;
4. Assess the overall contribution of the project to the state of good governance, rule of law and human rights observance in the country.

Target Audience

UNDP, donor (EU), the project partners, beneficiaries, external human rights and justice stakeholders, external donors and other relevant users of the report.

5. Evaluation questions

The mid-term project evaluation seeks to answer the following questions, focused around the evaluation criteria of relevance, effectiveness, efficiency and sustainability:

Relevance

How well designed is the project to meet its broader objective of access to justice?

1. To what extent is UNDP's engagement in Access to Justice a reflection of strategic considerations, including UNDP's role in the particular development context in Fiji and its comparative advantage vis-a-vis other partners?
2. Was the design of the project adequate to properly address the issues envisaged in the formulation of the programme?
3. Are the activities and outputs of the programme 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?

Effectiveness

To what extent have project results/targets been achieved or has progress been made towards their achievement?

1. 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?
2. What were the positive or negative, intended or unintended, changes brought about by the project's work?
3. To what extent did the project benefit women and men equally?
4. To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiatives?

Efficiency

How well has the project delivered the expected results?

1. Quality and efficiency of project management and monitoring:
2. How well are the project activities being managed and monitored by programme staff?
3. To what extent is the project demonstrating value for money with outputs being delivered on time and at expected cost?
4. Are there more efficient ways to deliver the same outputs and realise the same outcomes?

5. To what extent is the M&E system fit for purpose to track and analyse meaningful data at all levels of the results chain from activities to outcome to impact?

Sustainability

To what extent are project results likely to be sustainable?

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

Partnership strategy

To what extent were partnership modalities conducive to the delivery of outputs?

1. Are there current or potential complementarities or overlaps with existing partners' programmes?
2. How have partnerships affected the progress towards achieving the outputs?
3. Has UNDP worked effectively with partners to deliver on this current initiative?
4. How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote Access to Justice in the country?

Impact

1. On the basis of project design and performance to date, assess the likelihood of the project contributing directly, either positive or negatively, to the projects expected final outcome set in Sub Regional Programme Document (SRPD).
2. On the basis of project design and performance to date, what is likelihood that project will have any unintended impacts?

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

1. 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?
2. How were gender issues implemented as a cross-cutting theme. Did the project give sufficient attention to promote gender equality and gender-sensitivity?
3. To what extent did the project pay attention to effects on marginalized, vulnerable and hard-to-reach groups?
4. To what extent was the project informed by human rights treaties and instruments?
5. To what extent did the project identify the relevant human rights claims and obligations?
6. 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

1. How did the project consider the plight and needs of the vulnerable and disadvantaged to promote social equity, for example, women, youth, 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 Pacific Office in Fiji could adjust its programming, partnership arrangements, resource mobilization strategies, and capacities for similar future initiatives.

6. Methodology for the evaluation

Evaluation Methodology:

The mid-term evaluation should be transparent, inclusive, participatory and utilization-focused. It should integrate gender and human rights principles following the United Nations Evaluation Group (UNEG), Handbook to Integrate Human Rights, and Gender Equality in Evaluation, and adhere to the UNEG norms and standards for evaluation in the UN System and UNEG's Ethical Guidelines and Code of Conduct. To extent possible the data should be disaggregated by age, gender and economic status.

This mid-term evaluation involves qualitative and quantitative methods to evaluate programme implementation and performance, and make recommendations for the remainder of the programme next programme cycle. It should follow a theory-of-change approach to comparing results achieved to date against what was intended taking into account the influence of external factors on project results in the various countries in which it has intervened. The evaluation should use a mixed methods approach, drawing on both primary and secondary, quantitative and qualitative data to come up with an overall assessment backed by clear evidence.

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, etc. This evaluation is expected to take a "theory of change" (TOC) approach to determining causal links between the interventions that UNDP Fiji has supported, and observed progress in access to justice 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, and technical papers, stakeholder interviews, focus groups, surveys and site visits as applicable

Data Collection

The mid-term evaluation will be carried out through a wide participation of all relevant stakeholders including the UN, the Government of Fiji institutions (Judicial Department, Legal Aid Commission, Police, Fiji Human Rights and Anti-Discrimination Commission), CSOs, development partners and rights holders. Field visits to selected project sites; and briefing and debriefing sessions with UNDP and the government officials, 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 mid-term 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.

7. Evaluation timeline

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	12 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 Fiji.	Final evaluation report	8 days
Total number of working days		25 days

7. Evaluation products (Deliverables)

Under the guidance and supervision of the Access to Justice Programme Manager, in consultation with the Integrated Results Management Unit, and the mid-term 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 a 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 UNDP before the evaluator can proceed with site visits. (Structure in Annex 2)
- ii. **Draft mid-term 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 the mid-term evaluation reference group through the UNDP Country Director for validation. Comments from the mid-term evaluation reference group, 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 evaluator will produce an 'audit trail' indicating whether and how each comment received was addressed in revisions to the final report. The report will be produced in English.
- iii. **Final evaluation report.** The final report (30-50 pages) will include comments from the mid-term evaluation reference group will be submitted 10 days after receiving all comments. This will be submitted to the mid-term evaluation reference group through the UNDP Country Director for validation. It will include recommendations, policy options and conclusions. (Structure in Annex 3)

8. Evaluation team composition and required competencies

Functional competencies

- Minimum Master's degree in in the fields of Law, Human Rights, Conflict Prevention, Development Studies, International Development, Political Science, or any other relevant university degree;
- 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 10 years experience in conducting evaluations of government and international development 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 think critically, conceptualize ideas, and articulate relevant subject matter in a clear and concise way;
- Fluency in English is required.

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.

6. Evaluation ethics

This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation. The consultant 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 consultant 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 unless with the express authorisation of UNDP and partners.

7. Implementation arrangements

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 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 work full time, based in UNDP Pacific Office in Fiji. Office space and limited administrative and logistical support will be provided. The consultant will use her/his own laptop and cell phone.
- The consultant will report to the Access to Justice Programme Manager and the evaluation reference group that will review progress and will certify delivery of outputs.

8. Financial Proposal

The financial proposal must be expressed as an all-inclusive lump sum amount in USD, presented in the following template:

	Unit cost (USD)	No.	Total
a) Professional fee:			
b) Daily Subsistence Rate:			
c) Other costs (specify):			
Total (lump sum):			

Notes:

1. The information in the breakdown of the offered lump sum amount provided by the Offeror will be used as the basis for determining best value for money, and as reference for any amendments of the contract;
2. The agreed contract amount will remain fixed regardless of any factors causing an increase in the cost of any of the components in the breakdown that are not directly attributable to UNDP;
3. Approved local travel related to this assignment will be arranged and paid by UNDP Fiji;
4. The contractor is responsible for arranging and meeting the cost of their vaccinations and medical/life insurance.

9. Selection criteria

Offers received will be evaluated using a combined scoring method, where the qualifications and experience will be weighted 70%, and combined with the price offer, which will be weighted 30%.

Criteria	Points
At least master's degree in Law, Human Rights, Conflict Prevention, Development Studies, International Development, Political Science, or any other relevant university degree.	10
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;	20
At least 10 years of experience conducting evaluations of government and international development organisations;	35
Fluency in English is required.	5
TOTAL	70

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

Financial evaluation (total 30 points):

All technically qualified proposals will be scored out of 30 based on the formula provided below. The maximum points (30) will be assigned to the lowest financial proposal. All other proposals receive points according to the following formula:

$$p = y (\mu/z)$$

where:

- p = points for the financial proposal being evaluated
- y = maximum number of points for the financial proposal
- μ = price of the lowest priced proposal
- z = price of the proposal being evaluated.

10. Schedule of payments

Fee payments will be made upon acceptance and approval by UNDP of planned deliverables, based on the following payment schedule:

Inception report	35%
Draft evaluation and lessons learned report	30%
Final evaluation and lesson learned report upon approval	35%

11. 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. United Nations Pacific Strategy
4. Project annual work plans
5. Project annual reports – Years 1 and 2
6. Project board minutes
7. Sub Regional Programme Document 2018-2020
8. Results-Oriented Annual Report (ROAR) 2018

Annex 2: Structure of inception report

Introduction	<ol style="list-style-type: none"> 1.1. Objective of the evaluation 1.2. Background and context 1.3. Scope of the evaluation
Methodology	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 3.1. Phases of work 3.2. Team composition and responsibilities 3.3. Management and logistic support 3.4. Calendar of work
Annexes	<ol style="list-style-type: none"> 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 <i>after</i> the main text has been reviewed and agreed and should not be circulated with draft reports.
Chapter	1: Introduce the rationale for the evaluation, including mandate, purpose and objectives, outline the

Introduction	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 access to justice 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	<p>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.</p> <p>Preferably, structure the analysis on the basis of the main evaluation criteria:</p> <ul style="list-style-type: none"> • 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 <p>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?</p> <p>Where appropriate, discuss cross-cutting themes separately using the main evaluation criteria.</p> <p>Do not allow the discussion to drift into conclusions and recommendations.</p>
Chapter 5: Conclusions and Recommendations	<p>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.</p> <p>Do not provide new evidence or repeat evidence contained in earlier chapters.</p> <p>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.</p> <p>Please limit to 5-10.</p>
Annexes	<ul style="list-style-type: none"> • ToR for the mid-term evaluation. • List persons interviewed, sites visited. • List documents reviewed (reports, publications). • Data collection instruments (e.g. copies of questionnaires, surveys, etc.). <ul style="list-style-type: none"> ○ Assessment of the progress by outcomes and outputs, in relevance to the nationally defined goals.

	<ul style="list-style-type: none"> ○ Photos ○ Stories worth telling (most significant changes [MSC])
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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