# INCEPTION REPORT

**End of Project Evaluation – UNDP RSC Africa: “Strengthening Regional and National Legislative Environments for HIV/SRHR to Support the Enjoyment of Human Rights of LGBT People and Women and Girls in Sub-Saharan Africa – Phase II” (A Sida Supported Project)**

Program on Global Health and Human Rights

USC Institute on Inequalities in Global Health 4 March 2019

1. **INTRODUCTION**
   1. *Background and Context*

In line with recommendations made by the Global Commission on HIV and the Law’s *Risks, Rights & Health* report, UNDP has noted that many countries in Sub-Saharan Africa have broad anti-stigma and anti-discrimination measures. However, despite consistent reports from key populations of limited access to justice and harsh treatment by law enforcement, there is a gap in focused advocacy for legal review, legal reform, and strategies to strengthen access to justice and law enforcement for those key populations.[[1]](#footnote-1)

As part of its ongoing commitment to follow up on the recommendations from the Global Commission, UNDP Regional Service Centre Africa (RSC-A), with the assistance of the governments of Sweden and Norway, launched a project aimed at addressing this gap. The project, *“Strengthening Regional and National Legislative Environments for HIV/SRHR to Support the Enjoyment of Human Rights of LGBT People and Women and Girls in Sub-Saharan Africa – Phase II,”* was implemented by the HIV, Health and Development Team in UNDP RSC-A, from the period of 1 January 2016 to 31 December 2018. This follows Phase 1 of the project “*Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Woman and Girls affected by HIV and AIDS in Sub-Saharan Africa*,” that initially covered 19 countries in Africa from 2013-2015.

The development objective of Phase 2 of the project is “to strengthen sexual and reproductive health and rights in Sub-Saharan Africa.”[[2]](#footnote-2) The program objective is “to strengthen national and regional legal environments relating to HIV and sexual and reproductive health and rights to support the enjoyment of human rights of LGBT people and women and girls in Sub-Saharan Africa.”[[3]](#footnote-3)

To achieve the program objective, the project has the following four specific objectives:

“1. Strengthening the capacity of national governments to put in place legal environments that respect the rights of LGBT people and women and girls

2. Strengthening the capacity of regional and national civil society organisations including community-based groups to claim rights and advocate for strengthened national legal environments

3. Strengthening the capacity and leadership of regional economic communities to facilitate Member States to put in place legal environments that respect the rights of LGBT people and women and girls

4. Strengthening the understanding of appropriate indicators and monitoring and evaluation processes that help promote accountability for implementation of human rights enabling activities that arise from legal assessments.”[[4]](#footnote-4)

The identified stakeholders for the project include governments reviewing legal environments; relevant ministries and commissions; CSOs and community-based organisations including networks of people living with HIV and AIDS, those most at risk of HIV (including relevant key populations), other LGBT people and women and girls (such as ARASA, AMSHeR, ASWA, SALC, Women and Law in Southern Africa Research and Educational Trust (WLSA), CAL, INERELA+, MANERELA+, Sonke Gender Justice, CEDEP, KELIN and SAT); legal experts, members of the judiciary; regional economic communities (e.g. SADC, EAC, ECOWAS); and the African Union Commission (AUC).

* 1. *Midterm Evaluation*

A midterm evaluation (MTE) of Phase 1 “*Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Woman and Girls affected by HIV and AIDS in Sub-Saharan Africa*,” was completed in February 2015 and, where geographic overlap exists, provides an overview against which progress at the end of project evaluation (EOPE) can now be assessed.[[5]](#footnote-5)

During ‘Phase 1’, the project achieved meaningful results which were reported from 19 countries. Results included completion of legal environment assessments (LEAs) in several countries; strengthened capacity related to human rights and HIV amongst the judiciary, national human rights institutions, law enforcement agencies as well as among affected communities; greater inclusion of LGBT people and women and girls in LEAs and other national and regional processes; law review and reform; and greater involvement of regional economic entities (SADC, EAC, ECOWAS) and the AUC in addressing human rights and legal challenges pertaining to HIV and AIDS.[[6]](#footnote-6)

Based on the Phase 1 achievements, the Governments of Norway and Sweden provided additional support to UNDP for a further three years (2016-2018) – ‘Phase 2’ of the project. While discussing the Phase 2 proposal, UNDP considered including the need to build on the lessons learned; incorporating recommendations from the mid-term evaluation done during Phase 1; the need for focussing on deeper interventions in a sub-set of countries, etc.

Ten countries are included in this evaluation of Phase 2 of the project (see below). Further, Phase 2 of the project is aligned with the Government of Sweden’s 2015-2019 “Strategy for Sexual and Reproductive Health and Rights in sub-Saharan Africa”, particularly for strengthening democracy and gender equality, and for ensuring greater respect for human rights, with focus on:

* Increased gender equality focusing on prevention of child marriages and sexual and gender-based violence.
* Greater enjoyment of human rights for LGBT people, young women and girls and other key and vulnerable populations.

The above-mentioned specific objectives should be understood to contribute to these overarching elements of the Government of Sweden’s strategy.

This phase was planned to operationalize recommendations from the MTE; include more capacity strengthening activities at country level for government and civil society together, systematic mapping of the political and cultural context as it affects the legal environment in countries; and include case studies and research components to identify shorter-term goals along the pathway to legal change that can be used as markers of success.[[7]](#footnote-7)

* 1. *Purpose of Evaluation*

This EOPE seeks to draw lessons relating to the effectiveness and sustainability of the interventions themselves, as well as identify any patterns discernible across different types of HIV epidemics, sexual and reproductive health challenges, legal systems, political systems, mix of interventions etc. The Terms of Reference (ToR) provide further depth: “The overall purpose of the end of project evaluation is to understand the successes, achievements and planned activities of the project for greater learning about what works and what does not; and ways to address challenges encountered to meet the end-of project targets and achievable outputs and outcomes. The evaluation and its report will also achieve the purpose of being a learning document for UNDP, national government partners, regional economic communities, the African Union and for other stakeholders and the donors and can be used for the benefit of other countries/regions.”[[8]](#footnote-8) This is an independent evaluation with logistical support--including documentation and introductions to key stakeholders--provided by UNDP.

* 1. *Scope of Evaluation*

For the purposes of the EOPE, there are 10 countries involved in the project: Burkina Faso, Cameroon, Chad, DRC, Gabon, Ghana, Namibia, Lesotho, Sierra Leone and eSwatini.[[9]](#footnote-9) The ToR describes the following activities as the scope of the evaluation: “review of the [Phase 2] project document(s) and its results framework; annual workplans; country- and regional-level activities and results achieved against the timelines and result framework; review of the project interim and annual reports from 2016 and 2017, tools, technical reports, academic and conference presentations, case studies and guides produced by the project as deliverables for Phase 2 of the Project and reviews and recordings of key challenges faced and key outcomes achieved.”[[10]](#footnote-10) The review of the project documents is limited to documents provided by UNDP and other partners.

In addition to building on the HIV-related work from Phase 1, this evaluation will also assess appropriate areas of the legal environment relating to sexual and reproductive health such as: enforcement of laws to prohibit domestic violence, rape including marital rape and sexual assault; prohibition of forced abortion, sterilization and other forms of violence in health care enactment and enforcement of laws to prohibit harmful norms such as early marriage, widow inheritance etc.; enactment and enforcement of the right of every child to comprehensive sexual health education; enactment and enforcement of laws to ensure young people have safe access to SRHR services; reform of laws to ensure age of consent for autonomous access to SRH services is equal to or lower than age of consent for sex; repeal of laws prohibiting sex work and use of civil / administrative offences to penalise sex work; ensuring anti-trafficking laws punish those using force, coercion; and enforce laws against child sexual abuse as opposed to consensual adult sex work.

Qualitative data, including interviews with key stakeholders, will be analysed in combination with findings from the project documentation.

* 1. *Objectives*

The EOPE has the following objectives: “(1) to draw lessons relating to the effectiveness and sustainability of the interventions themselves; (2) to identify any patterns that are discernible across different types of HIV epidemics, legal systems, political systems and mix of interventions etc. within the Project countries; (3) to comment on whether the short-term goals of the project were linked to the progress of the grant; (4) to identify the key outputs, and outcomes from the project which are most promising to pursue the longer term; (5) to identify ways to maximise contributions to the longer-term impact and sustainable change, and finally, (6) to highlight some of the learnings the process of evaluating such projects add to the methodology and practice of evaluation.”[[11]](#footnote-11) The methodology described in the next section is being used to achieve these objectives.

1. **METHODOLOGY**
2. *Approach*
   1. Description of approach, including RBA

Using a mix of methods, this evaluation will assess the overall effects of the project

* intended and unintended, long-term and short-term, positive and negative – alongside the project’s objectives and targets. This evaluation will be carried out using the UNDP evaluation framework with systematic attention paid to relevance, effectiveness and sustainability. Working within the project logic, the focus will be on activities carried out during Phase II, building on the learnings from the mid-term evaluation. While the focus will be on impact to date, attention will also be given to the project’s contribution to longer-term desired outcomes and sustainable change in the context of the Sustainable Development Goals and the maxim of ‘leaving no one behind’.[[12]](#footnote-12)

Alongside this assessment of performance with regard to achieving objectives and targets, we will seek to assess the processes and outputs. For example, with regard to outputs, where National Dialogues on HIV and the Law have been held, any emerging recommendations can be assessed for their content, quality, feasibility and appropriateness to the local context including any chosen focus (or lack thereof) on key and vulnerable populations. The degree to which these recommendations have been implemented since the Dialogues will also be assessed. Beyond documenting changes in legal environments, assessment will also be carried out, to the extent possible, of changes in discriminatory practices and behaviors, drivers and manifestations of stigma, protection of the rights of key and vulnerable populations, political commitment, financing, and capacities of national and regional entities to effect change. Consonance between priorities and actions at regional, national and sub-national levels will be a focus of the evaluation, including how project activities at these different levels create synergies to leverage change.[[13]](#footnote-13)

As a cornerstone of this evaluation, a human rights-based approach brings into focus the importance not only of the effectiveness, relevance and sustainability of activities carried out but also the processes of project implementation. Beyond assessing the project’s success in meeting its targets, this evaluation will seek to disentangle the different elements of the processes through which these targets were (or were not) achieved in different project settings.[[14]](#footnote-14)

This document has been prepared with the assumption that the fieldwork will be carried out in eSwatini, with a short visit also to Botswana to meet with representatives of the Southern Africa Development Community (SADC), but fieldwork countries could be changed in discussion with UNDP.[[15]](#footnote-15) Beyond the countries where fieldwork will be carried out, the ability to make these assessments will depend on the nature of the documentation provided by UNDP and available for desk review as well as skype interviews with local stakeholders in project countries. Issues of interest will include, for example, seeking to understand who has led the process at each level, which partners are engaged in the project and through what processes, the relevance of interactions between the different levels of activities, and the extent to which risks to the project were foreseen and mitigated with the aim of assessing the difference this has made to these outputs. Particular attention will be given to the principles of inclusion, participation, equality and non-discrimination, and accountability as addressed in project activities. This assessment of processes will help to identify the enabling factors and challenges to the project with a view to informing specific and actionable recommendations for its sustainability moving forward.[[16]](#footnote-16)

Given the complexity of effecting change at the various levels at which this project operates and the range of actors required for such change to happen, causal attribution of change to the project itself may be difficult to establish. However, the focus on understanding the processes through which the project operates in different settings will support determination of the project’s contribution to change.[[17]](#footnote-17)

The long-term sustainability of this work relies on adequate capacity and commitment among actors at each of the project levels (regional, national, sub-national). Any improvements to the legal environment can only improve access to justice with appropriate regional, national and subnational actions by members of the judiciary, uniformed services, and civil society organisations amongst many others over time. The potential for sustaining project benefits or any impediments thereto will be assessed to the extent possible.[[18]](#footnote-18)

The overarching approach being proposed is very similar to that which was adopted during the project’s Phase 1 mid-term evaluation but also takes into consideration the newly-incorporated areas of focus introduced after the mid-term evaluation such as: gender equality focusing on prevention of child marriages and sexual and gender-based violence; the greater enjoyment of human rights for LGBT people beyond the context of HIV, young women and girls and other key and vulnerable populations; increased capacity strengthening; and systematic mapping of political and cultural contexts as they affect legal environments.[[19]](#footnote-19)

1. *Methods*
   1. Evaluation Team Briefing

The first step in the evaluation process will be the evaluation team briefing, which will be critical to determining the specific focus and scope of the evaluation to ensure an optimal balance of efficiency, stakeholder participation and ability to answer the key questions of interest through document review, skype interviews, and fieldwork. A shared understanding of the evaluation questions and priorities will be developed in order that a more detailed work plan can be created. This will include determining the country/ies where more in-depth data collection will be carried out.[[20]](#footnote-20)

This briefing will also provide an opportunity to understand the range of available project documentation for review under this evaluation and it is hoped that UNDP will be able to share all, or at least the majority, of this documentation prior to or during the briefing.[[21]](#footnote-21)

* 1. Document Review

The evaluation team will comprehensively review all project documentation provided by UNDP and other partners. This includes the results framework, annual work plans, reports of country- and regional- level activities and results achieved, technical reports, meeting reports, tools and guides produced by the project as deliverables, and other relevant documents as identified by UNDP. Additional documents provided by other stakeholders will also reviewed.

After an initial review, the standardised Data Extraction Tool employed in the MTE will be adapted to fit the current evaluation objectives, tested and put in place. It will be implemented in reviewing each project document, to allow for cohesive thematic analysis across project documents. This tool combines key thematic and process categories to aid in the evaluation, and allows for quick reference to data at later stages in the evaluation. This tool will be pilot tested on a few documents to ensure multiple-user reliability, and will be amended as necessary to ensure that it captures the appropriate information across the range of documents provided for review.

* 1. Qualitative Data Collection
     1. *Engagement with project partners and stakeholders through skype interviews with key informants*

Skype interviews will be carried out to allow for primary data collection across project countries and stakeholders to which travel will not take place. Semi-structured interviews will be tailored to each country and stakeholder, designed to address gaps in knowledge from the desk review. All skype interviews will be carried out by a qualified and experienced qualitative researcher from the team.[[22]](#footnote-22)

* + 1. *In-country qualitative data collection*

The in-country qualitative data collection will include a combination of semi-structured key informant interviews and focus group discussions (FGDs) with project stakeholders. The final mix of these two approaches will be determined in discussion with UNDP taking into account access to key informants in-country, availability of time for data collection, and priority perspectives for inclusion in the evaluation. Following receipt from UNDP of the schedule of interviews/FGDs, two members of the evaluation team will travel to carry out data collection. Data will be collected from regional and government officials, relevant National Commissions, donors, civil society organizations, representatives of key populations and other community members including young women, and any other relevant stakeholders with whom meetings can be set up. Attention to ethical considerations will be paramount throughout qualitative data collection, especially in particularly sensitive settings such as meeting with representatives of key populations.[[23]](#footnote-23)

Interview and FGD guides will be developed prior to travel and pilot tested upon arrival in- country. The two qualitative interviewers/FGD facilitators will finalize the guides based on lessons learned from pilot testing. Approximately 15-20 interviews/FGDs are envisaged but if additional stakeholders are available within the timeframe more interviews/FGDs could be conducted. In order to maximize efficiencies, each interviewer will work alone where feasible; for some FGDs they might work together to facilitate accurate note-taking to ensure that all details can be captured.[[24]](#footnote-24)

The content of the interviews/FGDs will be tailored to the regional and national context and participants’ role in the project (e.g. different guides would be required for an interview with a government official and a representative of a civil society organization). The detail of the questions to be asked will come out of the evaluation team briefing but will include stakeholders’ involvement in and perceptions of work carried out to date, ongoing challenges in securing access to justice in relation to HIV and priorities for work in this area moving forward.[[25]](#footnote-25)

* 1. Evaluation Questions

The evaluation criteria—relevance, effectiveness, and sustainability—are provided in the ToR. The evaluation team has supplemented these criteria with additional questions that align with the methodological approach of the evaluation, in particular focusing on the human rights principles of inclusion, participation, equality, non-discrimination, and accountability.

* + 1. *Relevance*
       1. To what extent are the objectives of the project consistent with country needs and requests, national, regional, and continental priorities (e.g. the ‘AU Roadmap for Shared Responsibility and Global Solidarity for AIDS, TB and Malaria in Africa’ and the ‘Catalytic Framework to End AIDS, TB and Eliminate Malaria in Africa By 2030: Stride towards sustainable health in Africa’[[26]](#footnote-26)), and international and regional commitments regarding human rights and HIV/AIDS and sexual and reproductive health and rights (SRHR)?
       2. What are the relevant priorities and commitments regarding HIV/AIDS and SRHR?
       3. What are the country’s stated needs, requests and priorities?
       4. Are the ways the work of this project has been carried out to date explicitly or implicitly grounded in human rights?
    2. *Effectiveness*
       1. To what extent does the project contribute to outcomes defined in the project document and the project results framework?
          1. To what extent has each stated outcome been achieved?
       2. Is there a focus on the *process* by which these outcomes are achieved, such that human rights are considered at each step?
       3. Does the results framework engage with human rights, and if so in what ways?
       4. Is this focus on outcomes only or is process also assessed?
    3. *Sustainability*:
       1. To what extent do results achieved point towards the potential for sustained changes in country and/or regional level laws, policies regional and/or national strategic and development plans, and programming in the context of HIV and sexual and reproductive health and rights for young women and girls and LGBT people in Africa?
       2. Both at regional and country levels, is there a safe space for dialogue around HIV/AIDS and sexual and reproductive health and rights, the law, women and girls and LGBT populations?
       3. Both at regional and country levels, is there a multi-sectoral response, including government sectors, CSOs and individuals involved in the process? Discuss strengths and weaknesses etc.
    4. Enabling/Explanatory Factors
       1. How well did the Project use its partnerships (with national governments, regional and continental bodies, regional NGOs and CBOs, etc.) to improve its performance?
       2. Did the Project implementation process undertake appropriate risk analysis and take appropriate actions to ensure that results to which it contributed are not lost? [[27]](#footnote-27)
       3. To what extent are the benefits being, or are likely to be, maintained over time?[[28]](#footnote-28)
       4. How did the project factor in the political environment in trying to effect and sustain change?

1. *Data Analysis*

The use of standardized data collection instruments for the desk review and the qualitative data collection will facilitate thematic analyses across documents and interviews/FGDs, and situate data analysis within the project’s results framework, evaluation criteria and human rights norms and standards mentioned above. The evaluation matrix will highlight how the data extracted from the desk review can be supplemented with the qualitative data to address each of the evaluation objectives outlined in the inception report. Data from all three evaluation methodologies will be jointly analysed. This will necessarily involve an iterative process of data immersion across diverse sources and ensuring systematic attention to the framework guiding the evaluation.[[29]](#footnote-29)

1. **CONCLUSIONS**

A range of methodologies will be employed to ensure that the learning objectives set out in the ToR for this EOPE can be achieved. Through joint application of our conceptual framework and the evaluation criteria for this EOPE and ensuring attention to the project’s theory of change, lessons learned and recommendations for moving forward with the work will be identified, all of which will be presented in a final report. See Annex I for workplan and Annex II for draft table of contents of the final report.

**ANNEX I DRAFT WORKPLAN**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Activity** | **Month 1** | **Month 2** | **Month 3** | **Month 4** |
| 1. BRIEFING EVALUATION TEAM | | | | |
| Planning meeting (incl. briefing evaluation team) |  |  |  |  |
| Documents provided to USC |  |  |  |  |
| 2. INCEPTION REPORT | | | | |
| Development of inception report |  |  |  |  |
| UNDP approve inception report |  |  |  |  |
| 3. DATA COLLECTION | | | | |
| Arrange travel logistics |  |  |  |  |
| Creation of template for desk review data extraction |  |  |  |  |
| Pilot of template for desk review |  |  |  |  |
| Adjustment of template for desk review |  |  |  |  |
| Desk review of documents |  |  |  |  |
| UNDP to set up in-country interviews/FGDs |  |  |  |  |
| Draft qualitative data collection instruments |  |  |  |  |
| Phone/skype interviews with key stakeholders |  |  |  |  |
| UNDP to provide in-country interview/FGD schedule |  |  |  |  |
| UNDP to provide in-country logistical support |  |  |  |  |
| In-country data collection |  |  |  |  |
| 4. ZERO DRAFT EVALUATION REPORT | | | | |
| Draft zero draft evaluation report |  |  |  |  |
| Submit zero draft evaluation report |  |  |  |  |
| 5. VALIDATION | | | | |
| Validation of zero draft evaluation report by UNDP, PMC and relevant stakeholders |  |  |  |  |
| 6. DRAFT ONE EVALUATION REPORT | | | | |
| Complete draft one evaluation report |  |  |  |  |
| Submit draft one evaluation report |  |  |  |  |
| UNDP to comment on draft evaluation report |  |  |  |  |
| 7. FINAL EVALUATION REPORT | | | | |
| Finalize evaluation report |  |  |  |  |
| Submit evaluation report |  |  |  |  |

**ANNEX II. DRAFT TABLE OF CONTENT FOR THE FINAL REPORT**

* + Executive Summary
    - Summarise findings, conclusions, lessons learned, recommendations
  + Introduction
    - Present evaluation’s purpose, questions, and main findings
  + The Evaluated Project
    - Describe the project, and its purpose, theory of change, organisation and key stakeholders
    - Policy and development context
  + Methodological Approach
    - Conceptual framework
* Our conceptual framework (incorporating rights-based approach) that builds on the project’s theory of change—process, incremental progress, and laying groundwork for change is important
  + - Description of Approach
* Process important, not just outcome focused
* Purpose of desk review and of interviews
* How the data are jointly analysed
  + Findings
  + Conclusions, Lessons Learned, and Recommendations
    - Evaluative Conclusions
* Assessment of the project and its results against given evaluation criteria, standards of performance and policy issues
  + - Lessons Learned
* General conclusions that have potential for wider application
  + - Recommendations
* Actionable proposals to evaluation users for improved intervention cycle management and policy
  + Appendices
    - Terms of reference, methodology and tools for data gathering and analysis, references, people met, agendas for travel, document list, RFP, etc.

1. MTE Inception Report [↑](#footnote-ref-1)
2. Terms of Reference (ToR) [↑](#footnote-ref-2)
3. ToR [↑](#footnote-ref-3)
4. Proposal for UNDP Africa Project on HIV and the Law (2016/18) [↑](#footnote-ref-4)
5. MTE [↑](#footnote-ref-5)
6. ToR [↑](#footnote-ref-6)
7. ToR [↑](#footnote-ref-7)
8. ToR [↑](#footnote-ref-8)
9. ToR [↑](#footnote-ref-9)
10. ToR [↑](#footnote-ref-10)
11. ToR [↑](#footnote-ref-11)
12. ToR [↑](#footnote-ref-12)
13. ToR [↑](#footnote-ref-13)
14. Tor [↑](#footnote-ref-14)
15. Final Technical Proposal [↑](#footnote-ref-15)
16. ToR [↑](#footnote-ref-16)
17. ToR [↑](#footnote-ref-17)
18. ToR [↑](#footnote-ref-18)
19. Final Technical Proposal [↑](#footnote-ref-19)
20. Final Technical Proposal [↑](#footnote-ref-20)
21. Final Technical Proposal [↑](#footnote-ref-21)
22. Final Technical Proposal [↑](#footnote-ref-22)
23. Final Technical Proposal [↑](#footnote-ref-23)
24. Final Technical Proposal [↑](#footnote-ref-24)
25. Final Technical Proposal [↑](#footnote-ref-25)
26. AU. 2015. *Catalytic Framework to End AIDS, TB and Eliminate Malaria in Africa By 2030: Stride towards sustainable health in Africa*. Available at: <http://www.carmma.org/resource/catalytic-framework-end-aids-tb-and-eliminate-malaria-africa-2030-stride-towards> [↑](#footnote-ref-26)
27. ToR [↑](#footnote-ref-27)
28. ToR [↑](#footnote-ref-28)
29. Final Technical Proposal [↑](#footnote-ref-29)