*Sawasya II Mid-Term Evaluation*

Terms of Reference

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| **PROJECT/OUTCOME INFORMATION** | | |
| **Project/outcome title** | Sawasya II: Promoting the Rule of Law in Palestine | |
| **Atlas ID** |  | |
| **Corporate outcome and output** |  | |
| **Country** | State of Palestine | |
| **Region** | RBAS | |
| **Date project document signed** | 26 June 2018 | |
| **Project dates** | **Start** | **Planned end** |
| 1 July 2018 | 30 June 2021 (30 June 2023 for +2) |
| **Project budget** | **USD 30,000,000 (USD 50,000,000 for +2)** | |
| **Project expenditure at the time of evaluation** | **Aprox. USD 9,000,000** | |
| **Funding source** | **Netherlands, SIDA, Spanish Cooperation, European Union[[1]](#footnote-2)** | |
| **Implementing party[[2]](#footnote-3)** | **UNDP, UN Women, UNICEF** | |

1. **Background and context**

1.1 Background on the Programme:

*Sawasya II: Promoting the Rule of Law in Palestine* is a joint “One-UN” programme comprised of UNDP, UN Women and UNICEF. The government signatories to the programme document are the Ministry of Justice (MoJ), Ministry of Social Development (MoSD), the High Judicial Council (HJC), the Attorney General’s Office (AGO), and the Supreme Judge Department (SJD). Non-signatory partners include, *inter alia* the Palestinian Civil Police (PCP), the Palestinian Bar Association (PBA), and the Palestinian Judicial Institute (PJI). The programme is supported by the Netherlands, the Swedish International Development Agency and the Spanish Agency for International Development Cooperation.

The programme is designed as a “3+2” in which the first three years of the programme are guaranteed by the development partners with the possibility of a two-year extension. The programme is budgeted at $10 million per year and has currently received funds and commitments of around $17 million.

Strategically, *Sawasya II* serves the primary vehicle of the United Nations for advancing the rule of law, integrity, gender justice and human rights in Palestine for the period 2018-2023. Bringing together the main UN entities mandated and invested in these areas in an integrated programme framework (three years, with provision for a further two optional years), *Sawasya II* seeks to elevate the statebuilding enterprise for a progressively functioning and increasingly inclusive rule of law system that respects, protects and fulfils human rights and gender equality and promote peace and security.

*Sawasya II* is adopting a holistic gender mainstreaming approach and developed a gender strategy which sets out tools, methods and approaches to ensure that women’s rights, needs and interests are adequately taken care of in the programme’s policy, programming frameworks and directions. The programme is reaching between 30,000-40,000 beneficiaries through legal education, awareness, consultation/ advice, legal representation, and psycho-social support per year.

Acknowledging that the ability to access to justice is a human right itself and is key to the realization to all other human rights, *Sawasya II* is set out to address gender justice gaps and discrimination against women which are deeply entrenched in the justice and security systems in Palestine. In doing so, *Sawasya II* has conducted a gender analysis for the underlying causes of gender inequality and discrimination against women as well as the the adverse impact of the identified underlying causes on women’s access to justice and their realization to human rights.

As concerns children, the legal framework on advancing their access to justice is in place with the amendment of the Palestinian Child law in 2014 and the endorsement of the juvenile protection law by a presidential decree in 2016. The child justice and protection institutions made efforts to implement these laws but an assessment of children’s access to justice conducted by UNICEF highlighted existing gaps and challenges. *Sawasya II* is informed by the recommendations made in the assessment and addresses a number of them. The interventions are focused on strengthening the capacity of specialised child justice professionals and establishing a referral, diversion and alternatives to detention systems.

The overarching objective of *Sawasya II* has UN Sustainable Development Goals (SDGs) 16 and 5 at its core: focussed on the promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and the realisation of effective, accountable and inclusive institutions at all levels (SDG 16), and on achieving gender equality and empowerment for women and girls (SDG 5). *Sawasya II* is fully aligned with the National Policy Agenda (2017-2022) and relevant sector and cross-sector strategies of the Palestinian Government, including the Justice Sector Strategy 2017-2022, Security Sector Strategy 2017-2022, National Strategy to Combat Violence Against Women (2011-2019), the National Cross-Sectoral Strategy to Promote Gender Equality, Equity and Women’s Empowerment (2017-2022), Juvenile Protection National Strategic Plan and implementation Framework (2016-2019) and the Child Protection Action Plan (2018-2022).

*Sawasya II* is designed to contribute to key priorities in the five-year United Nations Development Assistance Framework (UNDAF) for Palestine, which was launched in 2018. *Sawasya II* secured commitment from the Palestinian government at the highest level and aims to reinforce broader national and international political and technical efforts aimed at supporting the realisation of a well-functioning Palestinian State, based on principles of good governance and the rule of law in accordance with gender equality and social inclusion.

*Sawasya II* builds on the considerable accumulated experience and expertise of the involved UN entities, at both global and local levels, including that of the *Sawasya I* joint programme of UNDP and UN Women, as well as the experience of UNICEF, and aims to leverage partnerships with other key bilateral and multilateral development partners, including the Office of the United Nations Special Coordinator for the Middle East Peace Process, the Office of the Middle East Quartet, the European Union (via both the Office of the EU Representative and the EUPOL COPPS), and lead bilateral donors in the justice and security sectors.

*Sawasya II* builds on established partnerships with government and civil society at all levels and capitalises on the extensive reach of the involved UN entities across the West Bank, including East Jerusalem, and the Gaza Strip.

1.2 Context:

Efforts to advance the rule of law in Palestine continue to contend with three essential problems: the democratic deficit that profoundly affects the capacity, accountability and perceived legitimacy of the state’s justice and security apparatus; the obstacles to full realisation by the Palestinian people of their basic human rights and fundamental freedoms; and gender inequality and stereotypes that are deeply entrenched in legal, social and political norms. Stagnation of the peace process, the statebuilding process, and national reconciliation efforts have all hindered recent efforts to strengthen the rule of law, and while technocratic solutions have made positive inroads towards improving institutional capacities, strengthening services and advancing access to justice and security, many of the fundamental preconditions for sustainable rule of law development have yet to be realised.

There are key external and internal factors that affect sustainable development in the rule of law and the realisation of human rights in Palestine the key external factor is the ongoing occupation by Israel. While the key internal factors are the deep national division since 2006, a dysfunctional legislative environment, fractured legal jurisdictions, weak institutional capacities, corruption, discriminatory social norms, and a lack of clarity around institutional roles and mandates. Although there was a temporary breakthrough in the reconciliation process in 2018, it unfortunately did not result in any permanent gains. If the reconciliation process gains traction, there are numerous potential scenarios which will have a significant impact on the work in and of the justice sector. A flexible approach will be required in order to respond to the changing context to consolidate and capitalise on positive developments.

As a conflict-affected population, women and girls experience multi- layers of insecurity and discrimination due to the ongoing Israeli Occupation and the entrenched patriarchal norms and practices within the Palestinian society. Women and girls are disproportionately impacted by the discriminatory practices of the occupation, such as houses demolitions, prevention of family unification, freedom of movement and others, which put them at higher risks of violence in the public and private spheres. Gender myths and stereotypes on the other hand, have structurally influenced women’s access to rights, power, resources and knowledge, and resulted in the development of discriminatory legislations, policies and practices, that undermine women’s experience, voices and rights, and reinforce males’ domination and supremacy over women. This is reflected in lenient legal provisions, which are inherited from various years such as the 1960 Jordanian Penal Code, still applicable in the WB, with lenient legal provisions regard family violence. In addition to the shortcomings in the Family Status Law, which is not in harmony with international conventions regarding early marriage, women right to child custody and others.

With this in mind, and due to the predominant cultural norms, women are often stigmatized when reporting GBV to the authorities particularly sexual assault crimes. In addition to the lack of proper specialized services for these cases in the justice system, which discourage them to pursue justice, and result in low number of prosecutions and convictions of VAW cases. Likewise, lack of serious official data regarding crimes against women and girls is another aspect that is seriously affecting the realization of rights.

Notwithstanding the challenges noted above, important progress has also been made. On the legislative front, *Sawasya I* played a pivotal role in drafting and promoting a Family Protection Bill aligned with international human rights standards. With regard to justice for children, the Juvenile Protection Law (by decree), passed into law in March 2016, has been widely welcomed as providing greater protection for children in contact with the law. It has galvanized justice sector actors to ensure child-friendly procedures and modalities are in place to implement the law. The law unifies domestic and international law, and updates the Palestinian juvenile justice system. It recognises minors – those under the age of 18 – as victims in need of protection, rehabilitation, and reintegration into society, rather than as criminals deserving punishment.

In addition, the provision of specialised services by law enforcement and prosecution has afforded greater state protection for victims of gender-based violence, the Palestinian Bar Association has initiated an office for *pro bono* legal assistance, and systems improvements have enhanced the case disposal rates in the courts. Recently, the National Policy Agenda (2017-2022) has also incorporated a strong justice and rule of law agenda for the coming six years, with specific plans to promote the rights of, and access to justice for, women and children.

Rule of law remains a cornerstone of statebuilding in Palestine and continues to be an important focus for international assistance. The international community has long recognised that developing functioning and successful public institutions is a long-term challenge for governments, particularly in fragile settings, but also that both short-term and long-term results can be achieved through well-designed and committed development assistance programming. Within the United Nations system, there is a general consensus that in the post-2015 agenda, gender equality and the empowerment of women are pivotal as intrinsic human rights principles, and as catalysts for achieving all human development goals and good governance. Realizing women’s human rights implies recognizing and addressing the underlying foundations of gender-based inequality, and the root causes of women’s human rights violations; challenging structural constraints to equal rights and putting in place appropriate policy and programmatic responses in line with human rights principles enshrined in the major UN Conventions.

Investments made by donors and the UN, including through the first *Sawasya* programme, have achieved progressively significant results in Palestine. However, impediments to achieving sustainable improvements on rule of law, integrity, gender justice and human rights remain.

At the level of institutional regulatory and policy frameworks, rule of law, integrity, human rights and gender justice in Palestine are all seriously affected by the democratic deficit, including the lack of regular elections and a functioning legislature, the bifurcated and fragmented legal and policy settings and weak enforcement of laws. Laws promulgated after 2007 are subject to questions of legality and legitimacy and although Palestine ratified the core set of international human rights treaties in 2014, they have yet to be published in the official gazette and formally incorporated into law, policy and practice in a systematic way. Budget allocations are not yet fully aligned to the national and sector priorities, and the availability of data and statistics is insufficient to form a sufficient evidence base for law, policy and service provision.

At the level of effective, accountable and inclusive service provision, the influence of personal relationships over institutional frameworks and formal processes prevails. Corruption, whether actual or perceived, erodes public confidence in the public administration. The lack of monitoring and oversight of the public service, the inward focus of the public service, and the lack of a stable and professional public service culture all impede an outward facing, service delivery-focussed state apparatus. Transparency and accountability mechanisms are also limited, both in the public sector and in non-government service providers who fill the gaps in service provision in Palestine where service delivery by the State is weak, limited, or unavailable. The efficiency of the justice chain in Palestine has been significantly improved by the UNDP-supported MIZAN2 case management system, but the referral links between the justice chain and related service providers (police, health, housing, education, social services) remain weak.

Access to justice, security and protection remains impeded by resource constraints (for example in the provision of legal aid and specialised services for vulnerable groups) and centralisation of services. Information about services is limited and poorly coordinated, meaning people are often unaware of services or where and how to locate them. At the societal and normative level, access to justice, in particular for women, is often impeded by discriminatory social norms that do not recognise gender-based violence as a crime; that do not recognise women’s human rights claims; and promote harmful practices and behaviours in communities and families. Moreover, social norms of preserving family honour translate into the resolution of violations by informal actors, often not in the best interests of women or children. Access to justice for children is largely user-unfriendly, and traumatising for children as victims as well as offenders. Long delays in judicial proceedings, poor investigative techniques with specialist and non-specialist police and social services, almost non-existent diversion and mediation services, as well as limited alternatives to detention, and limited rehabilitation and reintegration support services result in families and communities reliant on unregulated informal justice actors. Working with informal justice actors to ensure the rights and best interests of children is critical.

Finally, Since December 2019, when COVID-19 first emerged in China, all countries in the Middle East and North Africa are now reporting cases. COVID-19 is the second coronavirus outbreak that affects the Middle East, following the MERS-CoV reported in Saudi Arabia in 2012. United Arab Emirates (UAE) was the first Middle East country to report a coronavirus-positive case, following the Wuhan outbreak. The total number of cases in all of the occupied Palestinian territories is 20,525, with 20,444 cases in the West Bank – including East Jerusalem - and 114 in the Gaza Strip and 115 confirmed deaths.**[[3]](#footnote-4)**

The Palestine Authority (PA) has quickly and effectively responded to the outbreak of COVID-19, using an internationally and nationally coordinated, data-driven approach to contain the spread of the virus within its territories. The Government of Palestine (GoP)**[[4]](#footnote-5)** declared a state of emergency when the first cases were diagnosed on 5 March 2020 in the State of Palestine, whose measures were further reinforced on 22 March, following an acceleration in the virus transmission. Following the apparition of the two first cases in the Gaza Strip, the de facto authorities declared a similar state of emergency measures on 22 March. To address the COVID-19 challenges, the GoP released the National Response Plan on 26 March that outlines the strategic measures from a number of key sectors, including health, economy and social protection to contain the outbreak. $120 million is needed by the GoP for a period of 90 days to support the proposed measures. A detailed list of medical and other supplies has also been issued on 2 April 2020 and shared with all partners and donors.

The GoP’s approach is containment and suppression, and is designed to protect its people from infection, while also mitigating the stress on its already strained health care system. In this regard, the State of Palestine faces significant challenges, including an already severely under-equipped health sector and an existing fiscal crisis caused, by the Government of Israel (GoI) withholding of tax revenue because of PA payments to the families of Palestinian prisoners in Israeli jails.**[[5]](#footnote-6)** In addition, there are concerns that the return of an estimated 55,000 Palestinian workers from Israel to their West Bank (50,000) and Gaza Strip (5,000) villages might trigger a further increase of COVID-19 cases, where the number of confirmed cases has exceeded 93,356**[[6]](#footnote-7)**.

1. **Evaluation purpose, scope and objectives**

2.1 Purpose of the Evaluation:

The main purpose of this mid-term formative evaluation is to provide evidence and recommendations on the outcomes or results of the *Sawasya II* programme ”Promoting the Rule of Law in Palestine” on the lives of beneficiaries that can be attributed to UN-interagency interventions.

2.2 Specific objectives

1. Assess the relevance of project activities, procedures and structures to the program’s context and overall goal including strategic decision-making and prioritization of limited resources.
2. Assess the efficiency, effectiveness, impact, institutional capacity, sustainability, coherence, coverage, and risk management of the program including the role of the program’s steering committee, UN agencies organizational, financial, administrative and fundraising systems and actions for the implementation of the program.
3. Develop conclusions and suggest actions to inform the programme’s overall learning about what works and what does not so the programme can adjust/improve/refine if needed in the final phase of implementation. This should include not only the results the programme has achieved to date, but to explain the ‘how’ and the ‘why’ – why progress was made, and why not – in order to provide a process focus, rather than only a results focus – and what that learning informs for future programming.
4. Assess different stakeholders’ satisfaction from the program and its interventions.
5. The evaluation will also cover how cross cutting issues such as a human rights-based approach to programming (HRBAP), gender equality and equity has been addressed and make recommendations for increased mainstreaming of these cross-cutting issues as required.

2.3 Scope of the Evaluation:

The programme is now at the mid-point of its three-year initial implementation phase (2018-2021). Considering the possible option of the additional two years of the programme, the partners felt that this was an opportune moment to conduct a mid-term formative evaluation with a view to taking stock of the programme, understanding what was working, and what was not, and examining the possibilities for moving forward. With this in mind, the collective partners involved with the *Sawasya II* programme are commissioning a mid-term evaluation to examine the programmatic design, management structure, lessons learned, achievements, and possible areas of programmatic adjustment through expansion or reduction, covering the period from June 2018 – December 2019.

**Geographically**, the evaluation will cover the selected locations in the West Bank and Gaza Strip as agreed under the programme document.

In every stage of the evaluation, criteria will be used (relevance, efficiency, effectiveness, sustainability, impact, coherence, equity and human rights issues). The evaluation will present lessons learned, best practices and recommendations for future protection programming, while also adopting an approach that integrates the aspects of gender, human rights and equity throughout the evaluation and applied across the analysis of the programmes.

The scope of this evaluation will also focus on assessing the project contributions to gender equality and women’s empowerment and providing actionable, evidence-based recommendations and lessons learned to inform the future United Nations System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) in UN agencies work.

1. **Evaluation criteria and key guiding questions[[7]](#footnote-8)**

The purpose of the evaluation criteria is linked to the purpose of evaluation. Namely, to enable the determination of the merit, worth or significance of the programme. The evaluation should be conducted according to the six Organization for Economic Co-operation and Development (OECD)- Development Assistance Committee (DAC) criteria (relevance, coherence, effectiveness, efficiency, the likely impact and sustainability). Each criterion is a different lens or perspective through which the intervention can be viewed. Together, they provide a more comprehensive picture of the intervention, the process of implementation, and the results.

The criteria play a normative role. Together they describe the desired attributes of interventions: all interventions should be relevant to the context, coherent with other interventions, achieve their objectives, deliver results in an efficient way, and have positive impacts that last. The criteria are used in evaluation to: a) Support accountability, including the provision of information to the public; and b) Support learning, through generating and feeding back findings and lessons.

Suggested evaluation questions are provided below. These guiding evaluation questions will be further refined by the evaluation team and agreed with the UN evaluation stakeholders.

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| ***Sawasya II programme evaluation questions***  **Relevance:**   * To what extent was the programme in line with the national development priorities, the country programme’s outputs and outcomes, and the SDGs? * To what extent were perspectives of those who could affect the outcomes, and those who could contribute information or other resources to the attainment of stated results, taken into account during the project design processes? * To what extent does the original programme concept and objectives address the justice needs of targeted beneficiaries * To what extent does the programme contribute to gender justice and equality, the empowerment of women and the human rights-based approach? * To what extent does the programme contribute to child rights? * To what extent the programme is flexible, adaptive and context-specific to adjust strategies over time, as circumstances evolve (eg. conflict in Gaza, the Covid-19 pandemic) and the changing external environment? * To what extent the original programme design addresses not only justice needs but also the contextual constraints, i.e., the different legal systems and jurisdictions?   **Coherence**   * To what extent is this intervention coherent with other actors’ intervention in the same context (This includes complementarity, harmonisation and co-ordination with others, and the extent to which the intervention is adding value while avoiding duplication of effort.) * To what extent is the intervention coherent with national authorities’ priorities? * To what extent the intervention coherent is with international obligations on fair trial and access to justice? * To what extent is the intervention coherent with international obligations on gender justice and justice for children?   **Effectiveness**   * To what extent did the programme contribute to the country programme outcomes and outputs, the SDGs, the UNDP/UN Women/UNICEF Strategic Plans and national development priorities? * To what extent are the programme outputs and outcomes on track or achieved? * In which areas does the programme have the greatest/fewest achievements? Why and what have been the contributing factors? How can the programme build on or expand these achievements or how can they be overcome? * What have been the key results so far and to what extent those results to date are likely to lead to achievement of the programme’s objectives in the remaining time? * What, if any, alternative strategies would have been more effective in achieving the programme’s objectives? * Are the programme’s objectives and outputs clear, practical and feasible within its time frame? * To what extent is the programme management and implementation participatory and is this participation contributing towards achievement of the programme objectives? * How effective have the programme partnerships with civil society organizations been in contributing to achieving results in Gaza?   **Efficiency**  To what extent:   * Has the programme delivered its expected results to date, including in terms of budget allocation and cost-efficiency of activities? * To what extent has the UN programme’s partnership strategy been appropriate and effective? * Was the intervention implemented in a timely way? * Was the intervention implemented in the most efficient way compared to alternatives? * Did the targeting of the intervention mean that resources were allocated efficiently? * To what extent do the M&E systems utilized by the programme ensure effective and efficient project management?   **Impact**   * What were the effects of the intervention on recipients’ lives? * To what extent is the programme on track to support, or likely to support/contribute to capacity change of partners, influence on broader policy/systems and impacts at beneficiary level? * Did a specific part of the intervention achieve greater impact than another? * Were there unintended (positive or negative) effects for recipients and non-recipients of assistance? * What were the gender-specific impacts? Did the intervention influence the gender context? * What is the contribution of an intervention to long-term intended results?   **Sustainability**   * To what extent did the programme intervention implementation arrangements include considerations for sustainability, such as capacity building of national and local government institutions, communities, exit strategies and other partners? |

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| ***Evaluation cross-cutting questions***  **Human rights**   * To what extent have poor, physically challenged, women, children and other disadvantaged and marginalized groups benefited from the work of the programme in the State of Palestine? * Have there been any changes in society/with authorities in terms of behaviour/practice? * To what extent the programme contributed to the protection and promotion of human rights and in the state of Palestine.   **Gender equality**   * To what extent have gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the programme? * What evidence is there that the programme promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects? |

1. **Methodology**

The mid-term evaluation should utilize a participatory and interactive approach using mixed method of data collection. UN agencies are strongly encouraging the use virtual tools such as phone interviews and phone surveys, virtual Focus Group Discussions (FGDs) and online and SMS-based surveys, among others, during this period of COVID-19 pandemic. Additionally, pre-existing secondary data such as administrative datasets and previous survey datasets can be used to answer some evaluation questions. The evaluators should conduct a thorough document review of the programme document, theory of change and results framework, programme quality assurance reports, annual workplans, activity designs, mid-year and annual reports, and results-oriented monitoring report. The evaluators will analyse synergies with existing programmes, projects that intersect strategically with Sawasya, based on the list preapproved by the evaluation reference group. The evaluators may also utilise semi-structured interviews with key stakeholders; focus group discussions with beneficiaries and stakeholders; surveys and questionnaires; field visits, where possible; outcome mapping, observational visits (if possible), group discussions; and data review and analysis of monitoring reports. Based on the rapidly changing circumstances and the travel and other restrictions due to the Covid-19, the methodology and data collection methods will be adapted keeping the do no harm and ethical considerations. This will be done in consultation with evaluation managers and the Evaluation Reference Group.

As of 11 March 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic as the new coronavirus rapidly spread to all regions of the world. Travel to the country has been restricted since April and travel into and out of the West Bank and Gaza is also restricted. If it is not possible to travel to or within the country for the evaluation then the evaluation team should develop a methodology that takes this into account the conduct of the evaluation virtually and remotely, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires. This should be detailed in the Inception report and agreed with the Evaluation Manager.

If all or part of the evaluation is to be carried out virtually then consideration should be taken for stakeholder availability, ability or willingness to be interviewed remotely. In addition, their accessibility to the internet/ computer may be an issue as many government and national counterparts may be working from home. These limitations must be reflected in the evaluation report.

If a data collection/field mission is not possible then remote interviews may be undertaken through telephone or online (skype, zoom etc.). International consultants can work remotely with national evaluator support in the field if it is safe for them to operate and travel. No stakeholders, consultants or UNDP staff should be put in harm’s way and safety is the key priority.

A short validation mission may be considered if it is confirmed to be safe for staff, consultants, stakeholders and if such a mission is possible within the evaluation schedule. Equally, qualified and independent national consultants can be hired to undertake the evaluation and interviews in country as long as it is safe to do so.

The Evaluation Reference Group will consist of the three UN Heads of Agency (or their designee), development partners, the Joint Programme Manager, the component lead from the three agencies and a representative from the Ministry of Justice, Ministry of Social Development, High Judicial Council, Supreme Judge Department, and Office of the Attorney General.

The evaluator is expected to follow a participatory and consultative approach that ensures close engagement with the evaluation managers, implementing partners and direct beneficiaries.

The final methodological approach including interview schedule, field visits and data to be used in the evaluation should be clearly outlined in the inception report and be fully discussed and agreed between the UN, stakeholders and the evaluators. In the likely event that this evaluation will operate mainly through desk-based research, remote engagement and online surveys, the mitigation measures, including protocols for online data protection, should be addressed in the inception report.

1. **Evaluation products (deliverables)**

The following deliverables should be produced as part of the overall evaluation:

* **Evaluation inception report (10-15 pages).** The inception report should be carried out following and based on preliminary discussions with the programme team (the joint programme manager and focal points of the three agencies responsible for the programme) after the desk review and should be produced before the evaluation starts (before any formal evaluation interviews, survey distribution or field visits) and prior to the country visit, if the current situation allows. The inception report should include the final agreed upon evaluation questions.
* **Evaluation debriefings.** Immediately following the initial the data collection phase, the evaluators will be expected to conduct a preliminary debriefing and present findings to the UN, authorities, stakeholders, and development partners for discussion.
* **Draft evaluation report (40 to 50 pages plus executive summary).** The initial draft should be produced 2 weeks after the conclusion of information collection and/or possible country visit if the situation allows. The relevant stakeholders will provide comments to the evaluators within a week of receiving the draft.
* **Evaluation report audit trail.** All products such as inception, draft and final reports will be validated by the evaluation reference group. Comments and changes by the evaluator in response to the draft report should be retained by the evaluator to show how they have addressed comments.
* **Final evaluation report.** This should be provided within a week of the evaluators receiving the comments on the draft evaluation.
* **Final presentations to stakeholders remotely.** This should be done within two weeks of acceptance of the final evaluation report and will be organized remotely for the evaluation team.

1. **Evaluation team composition[[8]](#footnote-9) and required competencies**

Lead Evaluator

* Master’s degree in law, political science, human rights, gender or related field;
* Minimum 7-10 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 mid-term and formative evaluations of rule of law, national human rights institutions or government and international development programmes;
* Experience in mixed method data collection.
* Direct experience working with civil society and government institutions 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;
* English is required and proficiency in Arabic is an advantage.

Gender Evaluation Specialist

* Master’s degree in law, political science, human rights, gender or related field;
* Minimum 7-10 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 gender, rule of law, national human rights institutions or government and international development organisations;
* Direct experience working with civil society and government institutions 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;
* English is required and proficiency in Arabic is an advantage.

1. **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 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 with the express authorization of UNDP/UN Women/UNICEF and partners.

This evaluation shall be based on rights-based approach and as participatory as possible. This will ensure that the beneficiary children and youth are engaged and that findings are derived from a collective contribution. In line with the Standards for UN Evaluation in the UN System (developed by the UN Evaluation Group), all those engaged in designing, conducting and managing evaluation activities will aspire to conduct high quality and ethical work guided by professional standards and ethical and moral principles. The evaluation will follow the UNICEF Procedure for Ethical Standards in Research Evaluation, Data Collection and Analysis and guided by the 1989 Convention on the Rights of the Child (CRC) which spells out the rights to protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system. In addition to the CRC, the evaluation process will be guided by other important treaties reinforcing rights that concern children.

Standards for Evaluation in the UN System: [www.uneval.org/document/detail/22](http://www.uneval.org/document/detail/22)

Norms for Evaluation in the UN System: [www.uneval.org/document/detail/21](http://www.uneval.org/document/detail/21)

Integrating Human Rights and Gender Equality in Evaluation – towards UNEG Guidance: [www.uneval.org/document/detail/980](http://www.uneval.org/document/detail/980)

UNEG Guidance Integrating Human Rights and Gender into Evaluation: [www.uneval.org/document/detail/1616](http://www.uneval.org/document/detail/1616)

UN SWAP Evaluation Performance Indicator: [www.uneval.org/document/detail/1452](http://www.uneval.org/document/detail/1452)

UNEG Quality Checklist for Evaluation Reports: [www.uneval.org/document/detail/607](http://www.uneval.org/document/detail/607)

UNEG Ethical Guidelines: [www.unevaluation.org/document/detail/102](http://www.unevaluation.org/document/detail/102)

UNEG Code of Conduct for Evaluation in the UN: [www.unevaluation.org/document/detail/100](http://www.unevaluation.org/document/detail/100)

1. **Implementation arrangements**

The *Sawasya II* programme, in consultation with its development partners, will select the evaluators through an open process. UNDP will be responsible for the management of the consultants 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 interlocutors, etc.) The UNDP/UN Women/UNICEF will take responsibility for the approval of the final evaluation report in coordination with the partners.

The *Sawasya II* staff will assist the consultants in arranging introductory meetings with the relevant parties in programme and the three agencies, partners and government and civil society. The consultants will work with the *Sawasya* team for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The UN agencies will develop a management response to the evaluation within 1 week of report finalization.

The *Sawasya* Joint Programme Manager will convene an evaluation reference group comprising of technical experts, partners and the UN agencies 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 evaluators are required to address all comments of the reference group completely and comprehensively. The evaluators will provide a detailed rationale for any comment that remains unaddressed.

1. **Time frame for the evaluation process**

This section lists and describes all tasks and deliverables for which evaluators or the evaluation team will be responsible and accountable, as well as those involving the commissioning office, indicating for each the due date or time frame (e.g., workplan, agreements, briefings, draft report, final report), as well as who is responsible for its completion. At a minimum, the time breakdown for the following activities should be included:

* Desk review.
* Briefings of evaluators.
* Finalizing the evaluation design and methods and preparing the detailed inception report.
* In-country data collection and analysis (visits to the field, interviews, questionnaires).
* Preparing the draft report.
* Stakeholder meeting and review of the draft report (for quality assurance).
* Incorporating comments and finalizing the evaluation report.

In addition, the evaluators may be expected to support UNDP efforts in knowledge-sharing and dissemination. Required formats for the inception reports, evaluation reports and other deliverables should be included in the annexes of the TOR for the evaluation being commissioned. This section should also state the number of working days to be given to each member of the evaluation team and the period during which they will be engaged in the evaluation process (e.g., 30 working days over a period of three months).

**Example of working day allocation and schedule for an evaluation (outcome evaluation)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ACTIVITY** | **ESTIMATED # OF DAYS** | **DATE OF COMPLETION** | **PLACE** | **RESPONSIBLE PARTY/IES** |
| **Phase One: Desk review and inception report** | | | | |
| Meeting briefing with *Sawasya* team (programme managers and project staff as needed) | - | At the time of contract signing | Remote | Lead evaluator and Joint Programme Manager (JPM) |
| Sharing of the relevant documentation with the evaluation team | - | At the time of contract signing | Via email | JPM |
| Desk review, Evaluation design, methodology and updated workplan including the list of stakeholders to be interviewed | 5 days | Within two weeks of contract signing | Home-based | Evaluation Team |
| Submission of the inception report  (15 pages maximum) | - | Within two weeks of contract signing |  | Evaluation team |
| Comments and approval of inception report | - | Within one week of submission of the inception report | UN Agencies | JPM |
| **Phase Two: Data-collection mission** | | | | |
| Consultations and field visits, in-depth interviews and focus groups (*inter alia*) | 15 days | Within four weeks of contract signing | In country  With field visits | *Sawasya* to organize with local project partners, project staff, local authorities, NGOs, etc. |
| Debriefing to UN Agencies and key stakeholders | 1 day | Last day of mission | In country | Evaluation team |
| **Phase Three: Evaluation report writing** | | | | |
| Preparation of draft evaluation report (40-60 pages maximum excluding annexes), executive summary (5 pages) | 5 days | Within two weeks of the completion of the field mission | Home-based | Evaluation team |
| Draft report submission | - |  |  | Evaluation team |
| Consolidated UN Agency and stakeholder comments to the draft report | - | Within two weeks of submission of the draft evaluation report | UNDP | JPM and evaluation reference group |
| Debriefing with UN Agencies | 1 day | Within one week of receipt of comments | Remotely | UN Agencies, evaluation reference group, stakeholder and evaluation team |
| Finalization of the evaluation report incorporating additions and comments provided by project staff and UN Agencies | 3 days | Within one week of final debriefing | Home-based | Evaluation team |
| Submission of the final evaluation report to the UN Agencies (40-50 pages maximum including executive summary and excluding annexes) | - | Within one week of final debriefing | Home-based | Evaluation team |
| **Estimated total days for the evaluation** | **30** |  |  |  |

1. **TOR annexes**

The following annexes will assist the evaluation team in completing the preparatory work and the evaluation itself.

* **Results and resource framework and theory of change.** Provides more detailed information on the intervention being evaluated.
* **Key stakeholders and partners.** A list of key stakeholders and other individuals who should be consulted, together with an indication of their affiliation and relevance for the evaluation and their contact information.
* **Documents to be consulted.** A list of important documents and web pages that the evaluators should read at the outset of the evaluation and before finalizing the evaluation design and the inception report. Data sources and documents include:
  + National Action Plan
  + Justice Sector Strategy
  + *Sawasya II* programme document
  + Monitoring plans and indicators
  + Previous evaluations of the *Sawasya I* programme
  + UNDP evaluation policy, UNEG norms and standards and other policy documents.

UNEG Guidance Integrating Human Rights and Gender into Evaluation: www.uneval.org/document/detail/1616

* **Code of conduct. E**ach member of the evaluation team to read carefully, understand and sign the ‘Code of Conduct for Evaluators in the United Nations system’.

**Annex I**

**Outcomes**

|  |
| --- |
| **SAWASYA II:PROGRAMME OUTCOMES**  **OUTCOME 1: *Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards***  **OUTCOME 2: *Service provision by rule of law institutions is effective, accountable and inclusive***  **OUTCOME 3: *All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination***  **OUTCOME 4: *Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women*** |

**Annex II**

**Theory of Change**

**Theory of change**

The figure below depicts the theory of change that underpins the *Sawasya II* and articulates a development approach for fostering a rights-based rule of law culture in which people experience greater peace and security, and have greater opportunities to exercise their rights. This theory of change is based on years of UN experience in this area, and postulates that through high-quality, targeted assistance to key rule of law and human rights actors and institutions – when delivered through a people centred approach – positive outcomes can be achieved in improving access to justice and redress, strengthening community security, and protecting and promoting human rights.

The Theory of Change describes the change pathway that starts from the current manifestation of deprivation, where a peaceful and inclusive society for sustainable development is lacking, in which not everyone can equally access justice, institutions are not effective, accountable and inclusive, and there continuous to be gender inequality and lack of empowerment of women and girls. It moves to the desired end state where the “Rule of Law system respects, protects and fulfils human rights and gender equality and promotes peace and security”.

To achieve the desired state, 4 critical and interlinked preconditions must be met:

1. Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards;

2. Service provision by rule of law institutions is effective, accountable and inclusive

3. All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination

4. Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women

The Theory of Change pathway that will lead to the scenario described above is:

IF key legislations are revised to strengthen the independence of Rule of Law institutions and ensure their consistency with international standards, and;

IF evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators); and

IF West Bank and Gaza rule of law institutions are reunified, and

IF advocacy on strengthening rule of law institutions and promoting human rights is reinforced.

THEN there will be rule of law institutions that are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards;

AND

IF quality and efficiency of security and justice services provided to Palestinians are improved; and

IF, quality and efficiency of security and justice services provided to areas unserved by the Palestinian government are improved;

THEN Service provision by rule of law institutions will be effective, accountable and inclusive;

AND

IF vulnerable populations have access to justice, security and protection; and

IF vulnerable populations in areas underserved (Area C, Hebron 2, and EJ) by the Palestinian government have access to justice, security and protection;

THEN All Palestinians, especially children and vulnerable groups, will have access to justice, security and protection without discrimination;

AND

IF capacity of rule of law institutions to respond to needs of women are improved; and

IF new practices of justice and security services providers are supported to transform their attitudes and behaviours towards women and girl; and

IF women and children have access to justice, security and protection

THEN Women's access to justice and security will be improved through gender-responsive service delivery and empowerment of women.

If all of these conditions are achieved, then the rule of law system will respect, protect and fulfil human rights and gender equality and promote peace and security.

Please see figure 1 for a visual representation of the Theory of Change.

**Assumptions and Risks**

There are seven major assumptions which underpin the Theory of Change:

* Organizational development needs to be service oriented to produce better justice outcomes for Palestinian citizens:
* Better internal systems for data gathering, analysis and reporting will help organizations chart an appropriate development trajectory
* A deliberate and focused strategy to engage with civil society, supported by selective, long-term funding, helps increase PG accountability on justice issues. It also increases citizen advocacy on much needed justice changes
* Legal aid (including clinics and education) increases access to justice and raises legal awareness. Both will empower marginalized groups to make good on their legal claims
* Working towards a national legal aid system will put it on a sustainable footing, provides systematic services delivery, and foster relevant inter-institutional relationships
* Presented with the right incentives (reputational), leadership in institutions are supportive of enhancing internal accountability and services delivery which may impact existing power dynamics
* Increase in awareness (on rights issues, on harmful gender stereotyping, child protection), if targeted correctly, will lead to changes in behaviour and agency

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1. Partnership agreement with the European Union is being negotiated [↑](#footnote-ref-2)
2. It is the entity that has overall responsibility for implementation of the project (award), effective use of resources and delivery of outputs in the signed project document and workplan. [↑](#footnote-ref-3)
3. As of 13 August 2020, data accessible at <https://covid19.who.int/region/emro/country/ps>. [↑](#footnote-ref-4)
4. In the document, the “government” refers to the internationally recognized Palestinian Authority, which is based in Ramallah. [↑](#footnote-ref-5)
5. Palestinians Continue to Reject All Israeli-collected Tax Funds, Warn of Economy's Collapse, Haaretz, 29 April 2019, <https://www.haaretz.com/middle-east-news/palestinians/.premium-pa-refuses-all-israeli-collected-tax-funds-warns-of-economy-s-collapse-1.7181947>. [↑](#footnote-ref-6)
6. As of 13 August 2020, data accessible at <https://covid19.who.int/region/euro/country/il>. [↑](#footnote-ref-7)
7. This section is adapted from “Better Criteria for Better Evaluation: Revised Evaluation Criteria Definitions and Principles for Use”, OECD/DAC Network on Development Evaluation, p.5-12 (2019) [↑](#footnote-ref-8)
8. The composition of the team can be discussed as there may be a need for alteration based on the COVID-19 situation. [↑](#footnote-ref-9)