

Terms of Reference for Hiring Firm for Conducting Final Evaluation of Activating Village Courts in Bangladesh Phase II

The Terms of Reference (TOR) has been designed to conduct a final evaluation of Activating Village Courts in Bangladesh Phase II (AVCB II) project.

This evaluation aims to measure progress made by the project in comparison with baseline and targets defined in the results framework as well as to assess different aspects of the project based on the evaluation criteria; relevance, efficiencies, effectiveness, impact and sustainability based on the lessons learned and recommended follow-up actions.

Job	:	Final Evaluation of AVCB II Project
Duration	:	Four Months from 1 February 2021
Location	:	Six divisions of Bangladesh (Rangpur, Rajshahi, Mymensingh, Sylhet, Khulna, Barisal)

1. Background and Rationale:

Based on the success of the pilot project, LGD is implementing AVCB Phase-II project in 1,080 unions of Bangladesh with the financial and technical support of the EU and UNDP. This is a six-year (2016-2021) project, aiming to improve access to justice for disadvantaged and marginalized groups in Bangladesh through establishing village courts in 1080 unions. The specific objective of the project is to make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-functioning village courts and to empower local people, especially women, the poor and vulnerable groups to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner.

The project has been working for improving the capacity of relevant stakeholders both at national and local levels and empower local people to seek remedies for injustices and resolve their disputes through its capacity building and awareness campaigns. It has been trained relevant local government officials and provided physical and human capital resources to the VCs. Besides, the project has been also informed local populations about the VC system and encourage them to seek justice from the village courts.

The project planned to undertake two studies (baseline and end line) particularly focusing on the outcome indicators that are part of AVCB's M&E plan. Both of the studies help ensure that objectives are met, identifying successes, providing evidence of the services and impacts of the project, guiding future plans, devising strategies to develop further project into services positioning the access to justice in relation to current learning and research environment. The baseline study has been conducted in 2017. For end-line evaluation, survey will be carried out only in treatment areas of six divisions (Rangpur, Rajshahi, Barisal, Sylhet, Mymensingh and Khulna) but the relevant data of other two divisions (Dhaka and Chittagong) which has been collected through another study (through RCT method) will be integrated with this study data to get overall and representative picture of the project. Under this study, final evaluation will be carried out after three years of program implementation to measure the project impact from different perspectives.

The geographical coverage of the project is 1,080 UPs at 128 Upazilas in 27 districts under 8 divisions across the country. (Annex: List of working area)

2. Evaluation Purpose and Objectives:

The overall purpose of the final evaluation is to assess results/achievements of the AVCB II project compared to its baseline and targets defined in the results framework. Final evaluation will also evaluate and document the project activities' relevance, efficiencies, effectiveness, impact and sustainability to understand and undertake necessary adjustments of the project for the remaining period so that the project can achieve its planned goal and objectives as committed.

The specific objectives of the AVCB II final evaluation are as follows:

- To assess the performance of AVCB II since its commencement in 2016 to date against the outcome and outputs indicators as set out in the Results Framework
- To assess the level of satisfaction of beneficiaries and stakeholders with the programme's results
- To assess the extent to which the application of the rights-based approach and gender-mainstreaming are sought
- To draw the positive and negative, and foreseen and unforeseen, changes and effects driven by project-supported interventions
- To draw lessons learned and good practices for replication and/or up-scaling and provide forward-looking recommendations for the next programming phase

The final evaluation will examine in particular results at the impact/outcome/output level with focus on the overall implementation process and progress towards project targets at the time of the final evaluation, covering the entire period of the project. This includes a review of allocated resources for the spent outputs and identification of implementation issues to pin down any alarming barriers and bottlenecks and come up with recommendations.

The final evaluation will also focus on following key areas:

- Knowledge, attitude and perception (KAP) of community and service providers
- Access to justice in rural Bangladesh
- Trust & communal harmony
- Sense of security
- Women empowerment

The study will report on the following outcomes (*the indicators/areas mentioned below are not an exhaustive list, additional outcome variables can and should be developed by the research team during designing of questionnaire*):

A. Knowledge, attitude and perception of community and service providers

Knowledge, attitude and skill of service providers

- Knowledge of VC service providers about the VC system (% of UP representatives and officials in project areas who gave correct responses to 9 key knowledge questions.
- Capacity of Union Parishads to manage self-sustaining VCs (% of Union Parishads with self-sustaining village court)
- Functional capacity of VCs (% of UPs in project area which correctly maintain all VC forms and registers)
- Adherence to correct VC justice process (% of cases heard in project areas which are within the VCs jurisdiction and in compliance with the correct procedure)

Awareness, Practice, Trust & communal harmony:

- Awareness of VC services in the community (Changes in number of cases filed through VCs; Knowledge gap on VCs between men and women compared to baseline; % of people who say they are aware of VCs and its functions and said other to take service from VCs; % of people in project areas able to correctly answer that Village Courts deals with minor conflicts and disputes, % of people received services from VCs)
- frequency of different types of conflict, perception towards crime and community safety (% of people in project area who say VC has reduced crime and increased community safety)

B. Access to justice in rural Bangladesh

- Access to justice for the community (especially marginalized groups) through VCs (% of VC complainants who are poor or extreme poor; % of female complainants registered at VC)
- Efficiency of VCs in resolving conflicts (% of cases resolved through village courts and time taken to resolve)
- Compliance and adherence to VC decisions (% of resolved cases which are enforced)
- Community satisfaction regarding VC services (% of VC users who are satisfied with VC service and VC's decisions; preference for future dispute resolution)

C. Women empowerment:

Involvement of women in the VC decision making process (% of women involved as panelists in village courts' decision-making process, % of women filed cases at VCs etc.)

Evaluation of Cross-Cutting Issues: Leave no one behind, and gender aspects will be considered well in evaluation questions as well the evaluation process. Gender analysis, including gender-disaggregated data, need to be incorporated in the evaluation.

3. Evaluation Approach and Questions:

3.1. Evaluation Questions

As part of the evaluation, the firm needs to address evaluation questions. The following evaluation questions are key but not limited to:

a. Relevance

- To what extent are AVCB phase II implementation approach/ methodology aligned with the current Bangladesh contexts, including both national contexts and local conditions of the project intervention areas? How relevant are AVCB phase II project design and implementation to the national strategies/policies on local governance?
- How relevant are the project to UN/ UNDP strategies in Bangladesh (i.e. CPD), and UNDP Strategic Plan?
- To what extent has the project design taken the cross-cutting issues into account, such as gender, human rights-based approach (HRBA), and Leaving no one behind (LNOB)?

b. Efficiency

- How efficiently has the project spent available budget so far as per Prodoc and annual work plan?
- Is budget allocation well considered to achieve the results to date in terms of cost efficiency?
- To what extent is financial management efficient and effective?

- Were the project's institutional and implementation arrangements (Program management and M&E system) efficient for the successful achievement of the project's objectives?

c. Effectiveness

- To what extent has the project been on track so far towards achieving its planned goal and objectives as per approved results framework?
- To what extent has the project been able to build up institutional and individual capacity of UP bodies for operating the Village Court?
- To what extent is the project contributing to change in quality of public services provided by Village Court?
- To what extent have the people been aware on VC services at UP? To what extent are these change attributable to AVCB II project?
- To what extent have the service receiver been satisfied with services provided by the Village Court? To what extent are these change attributable to AVCB II project?
- What would be bottlenecks and changes if the project is not achieving the results as planned? (it should consider both external and internal factors)
- To what extent has M&E system supported effective project management and implementation?

d. Impact

- To what extent is the project contributing to institutional changes in the Village Court in the medium-long term?
- Is there any positive/ negative change in local government policies regarding VC observed so far due to the project's interventions?
- What are the major changes so far in the lives/ livelihood of citizens due to improved service delivery of the VC?

e. Sustainability

- To what extent are institutional and individual capacities improved by AVCB (phase II) project's supports sustainable?
- Has the project considered necessary institutional arrangement of the government stakeholders/partner organizations to be set up to make the project's impact sustainable over a longer term?

f. Lesson Learned

- What are the lessons learned that the project has had so far?
- What are the past and/or upcoming challenges? What kind of mitigation measures have already been taken and/or will be taken?
- What are the recommendations for the evaluation for further efficiency and effectiveness of the project?

The primary audience for this evaluation is Local Government Division (LGD) officials, line department officials, civil society representatives, and development partners as well as UNDP Country Office, Democratic Governance cluster, and AVCB II project.

3.2. Gender and Human Rights-based Approach:

As part of the requirement, evaluation must include an assessment of the extent to which the design, implementation, and results of the project have incorporated gender equality perspective

and rights-based approach. The evaluators are requested to review *UNEG's Guidance in Integrating Human Rights and Gender Equality in Evaluation* during the inception phase¹.

In addition, the methodology used in the final evaluation, including data collection and analysis methods should be human rights and gender-sensitive to the greatest extent possible, with evaluation data and findings disaggregated by sex, ethnicity, age, etc. Detailed analysis on disaggregated data will be undertaken as part of the final evaluation from which findings are consolidated to make recommendations and identify lessons learned for enhanced gender-responsive and rights-based approach of the project.

These evaluation approach and methodology should consider different types of groups in the AVCB II project intervention areas – women, youth, extreme poor, vulnerable groups, minorities, and people in hard-to-reach areas.

4. Evaluation Methodology and Approach:

4.1. Proposed Methodology

The project conducted the baseline survey in 2017 to see the benchmark of the intervention. Following that, this final evaluation will be conducted to measure the impact of AVCB Phase-II project in six divisions.

Data will be collected using mix methods (quantitative and qualitative) depending on the evaluation questions mentioned above. The evaluation focused on the quantitative data collection regarding administrative data through beneficiaries survey and HH survey. Qualitative data will be also collected to supplement quantitative data collection. For example, KAP survey will include qualitative aspects for some indicators. The satisfaction level of the beneficiaries and knowledge level of the UP bodies will be collected through the KAP survey. Estimated sample size of each activity are given below:

- HH census: List of potential HHs will be selected who will receive services from village courts in future
- KAP study: 360 UP representatives and officials of 90 UPs will be interviewed in each round
- HH survey: 1,800 HHs (20 from each Unions) will be interviewed in each round
- Document review: Case documents will be reviewed in 90 Unions in each round
- Beneficiaries survey: 720 beneficiaries will be interviewed (8 from each Union) during end line survey

Under the methodology, the research firm shall cover at least following issues: Context and rationale, Value of impact evaluation, Evaluation questions and study variables, sample size that the study will be used to examine its key questions, data collection & entry, data analysis (Sample analysis table should be provided), study area and sampling strategy, external and internal validity, quality control mechanism, etc. Selection of possible target groups, especially HHs who will use village courts in future should be mentioned clearly.

Under data analysis, the evaluation firm shall explain how the integration of this final evaluation data with RCT study data will take place and should explain analytical models with an example to

¹ http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=980

measure the impact of AVCB phase-II project. Besides, it will mention the data analysis procedures and tools (software and others) involved in the analysis.

The evaluation firm shall maintain the protocol of research ethics involving human participants. Besides, the data should be passed the triangulation process as massive current routing data is available through different mediums like PMIS, reports, etc.

The evaluation report will shall follow the structure outlined in Annex 3/ Evaluation Report Template and Quality Standards (Page 49-53) of Section 4/ Evaluation Implementation of UNDP Evaluation Guideline (2019)².

The evaluation report will be quality assessed by UNDP Bangladesh Country Office and UNDP Independent Evaluation Office (IEO). Details of the IEO's quality assessment of decentralized evaluations can be found in Section 6 (Page 5-11) of the UNDP Evaluation Guidelines³.

4.2. Available Data Source:

For the purpose of the study, the evaluation team is expected to collect relevant information from the Project Document, Annual Work Plans, Financial reports, Event database, M&E plan, periodic progress reports, donor reports, policy documents, AVCB II-produced materials, facts sheets, case studies, meeting minutes, study reports, baseline report and any other relevant documents. The evaluation team shall also collect data in the filed from the project's beneficiaries, local administrations, and relevant stakeholders.

5. Scope of Work and Timeline:

5.1. Scope of Work:

The scope of the work for this assignment is outlined below:

- Review various documents such as the Amended Village Courts Act, the Village Courts Rule 1976, various study reports, logical framework, project document, etc.
- Facilitate the planning meeting at the beginning of the study design with relevant stakeholders
- Take ethical approvals to require undertaking this evaluation
- Prepare inception report
- Prepare and submit detailed work plan with timeframes and responsibility matrix for this assignment to AVCB Project
- Submit detailed fieldwork and data collection plan including data quality control mechanism
- Develop Bangla and English data collection tools for end line, including the guidelines, and sampling frame incorporating the feedbacks of AVCB Project

² Evaluation Report Template: UNDP Evaluation Guidelines (2019), Section 4: Evaluation Implementation (Page 49-53), available at <http://web.undp.org/evaluation/guideline/>

³ Quality Assessment Checklist: UNDP Evaluation Guidelines (2019), Section 6: Quality Assessment (Page 5-11), available at <http://web.undp.org/evaluation/guideline/>

- Hire qualified and experienced data collectors and provide training to the data collectors. This includes development of training materials and manuals for all persons involved in field work. The firm will organize a tailored and in-depth training program for the enumerators and supervisors that include both in house orientation and repeated practice sessions through role-plays followed by field practice in areas outside selected sample areas. The firm will submit training plan in well ahead to AVCB Phase-II Project so that representatives from the project can participate in the training
- Collect end line information /data from selected unions of six divisions through different methods explained in the methodology part
- Collect RCT data from the concerned party/firm where AVCB/UNDP will provide necessary administrative and coordination support
- Develop and submit data analysis plan incorporating feedback of AVCB phase-II Project. Analyze quantitative data by sex, poverty, socio economic status, Pre-post impact, impact between non-RCT (pre-post) and control RCT, impact between combined treatment (RCT and non-RCT) and RCT control, impact in RCT etc. and generate and submit output tables against the each of the indicators to AVCB phase-II Project
- Merge data of this study with RCT data for presenting overall representative picture of the project (covering all eight divisions)
- Prepare draft final evaluation reports highlighting overall picture of the entire project areas (covering eight divisions)
- Prepare high quality final evaluation reports (with standard/quality spiral binding) incorporating feedbacks received from AVCB phase-II Project and submit softcopy of reports in PDF and MS Word in DVD form along with used font files.

5.2. Evaluation Timeline:

Phase	Duration	Proposed time
<ul style="list-style-type: none"> • Preparation of Inception report including detailed methodology, data collection plan, and study schedule • Development of questionnaires for end line including guideline, training materials and plan • Training for data enumerators 	22 days	Within the one month from inception of final evaluation
<ul style="list-style-type: none"> • Data collection (follow-up survey includes HH plus beneficiary's survey, plus KAP plus document review) • Data entry and cleaning 	44 days	Within the 3 rd months from inception of final evaluation
<ul style="list-style-type: none"> • Data analysis and outputs tables • Submission of draft report • Submission of final report 	22 days	Withing 4 th month inception of final evaluation

6. Deliverables:

Based on the scope of the work outlined above, the following are the deliverables from the firm/institute:

- Inception report including agreed work plan with timeframes and responsibility matrix for this assignment to the Project
- Detailed implementation plan (including data collection plan) with timeframes and responsibility matrix for this assignment
- Survey questionnaires (both Bangla and English) for different target groups (HH survey, KAP Study, Document review checklist, beneficiaries survey)
- Interview guideline (Bangla and English) for all surveys
- Training materials and training plan for all surveys
- Sampling frame for household survey
- Detailed data collection plan for all surveys
- Data analysis plan and all output tables before finalization
- All soft copy of clean data in Excel and SPSS (after removing Personal Identification Information) form including value and variable label of all variables
- Draft end-line report for taking comments
- Final end-line report.

7. Implementation arrangements

The firm will independently conduct the evaluation but shall take necessary assistance from LGD and UNDP. The firm shall report to the Head of the Democratic Governance cluster at UNDP Bangladesh. The firm will also seek technical guidance from Policy Specialist at the Democratic Governance cluster and M&E focal point at UNDP Bangladesh Country Office. AVCB II Project Manager, M&E officers, and relevant staff will assist in day-to-day operation of evaluation when required.

8. Key results aspects of AVCB II project evaluation:

Results Framework:

CPD Outcome/Output	:	CPD Outcome-2 <i>Develop and implement improved social policies and programmes that focus on good governance, reduction of structural inequalities and advancement of vulnerable individuals and groups,</i> CPD Output-2.2 The Government has the capacity to carry out formal or quasi-formal, demand-driven and gender-sensitive reforms of the justice sector to provide more equal access to justice to women and men, especially those from marginalized groups
UNDAF Outcome/Output	:	UNDAF Outcome 1: <i>Develop and implement improved social policies and programmes that focus on good governance, reduction of structural inequalities and advancement of vulnerable individuals and groups,</i>
Overall Objective: To contribute to improving access to justice for disadvantaged and marginalized groups in Bangladesh		

Indicators
% of Union Parishads have fully self-sustaining village courts ('Self-sustaining' means: Assistant Accountant cum Computer Operator (AACO) appointed, hearings carried out weekly on designated hearing days, and compliant with VC Act and Rules).
Percentage of female complainants registered at VC
% of VC users who are satisfied with VC service (gender disaggregated)
% of VC complainants who are poor or extreme poor (using World Bank definition)
Specific objective:01 To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well- functioning village courts/ local justice mechanisms in CHT.
Indicators
1.1 Average number of VC cases registered per year per UP in project areas by 2019
1.2 % of registered cases in village courts which are resolved within 6 weeks
1.3 # of cases in VCs referred by court and police (disaggregated)
1.4 % of people in project area who say VC has reduced crime (disaggregated by gender)
Perception of UP members (disaggregated by gender) about women's participation as panel member of village courts
Specific object:02 To empower local people especially women, the poor and vulnerable groups in particular to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner
Indicators
2.1 % of people who say they would first approach the VC to resolve petty dispute (disaggregated by gender)
2.2 % of women involved as panelists in village courts' decision-making process
Expected Output-1.1 Capacity of relevant stakeholders at national and local level improved and key skills strengthened to enable Village Courts in new target Unions and local justice mechanisms in CHT to function effectively by the end of project implementation.
Indicators
1.1.1 # UPs equipped with <i>ejlas</i> (court bench), court forms and registers and have trained Village Courts Assistants (VCAs)/AACOs.
1.1.2 # of national training institutes who have updated information on VC issues in their regular training curriculum/ syllabus.
1.1.3 # of District Training Pools established
1.1.4 # Officials and representatives of Union Parishads trained on village courts functions (disaggregated by gender)
1.1.5 % UP representatives and officials in AVCB project areas who gave correct responses to 9 key knowledge questions.
1.1.5(a) % Female UP representatives in AVCB project areas who gave correct responses to 9 key knowledge questions
1.1.6 % UPs in project area which correctly maintain all VC forms and registers.
1.1.7 # AACOs trained to take over role of Village Court Assistant (disaggregated by gender)
1.1.8 % of resolved cases which are enforced

1.1.9 % of cases heard in AVCB area which are within the VCs jurisdiction and in compliance with the correct procedure
Expected Output-1.2 Legal and policy framework revised to enhance efficiency and effectiveness of VCs and local justice mechanisms in CHT
Indicators
1.2.1 Progress towards development of amend Village Court Act[1]
1.2.2 Progress towards development of proposal to amend Cr.PC to facilitate transfer of cases to Village Courts[2]
1.2.3 Progress towards issuing directive from IG Police to facilitate referrals to VCs in place [3].
1.2.4 Progress towards issuing Practice Note from CJ on screening and referral of cases by District Courts[4]
1.2.5 Judicial officers authorized to participate in VC training and become part of District Training Pool
Expected Output-1.3 GoB monitoring capacity for evaluating Village Courts and other local justice mechanisms' performance is strengthened and systematized
Indicators
1.3.1 # Districts submitting reports to LGD in accordance with Decentralized M&E (DMIE) system.
1.3.2 % UPs supported by the project which submit quarterly reports to UNO in accordance with DMIE system.
1.3.3 % District and Upazila VCMCs in project areas which are meeting in accordance with the GO 2012
1.3.4 # UPs using VCMIS system for reporting and monitoring purposes
1.3.5 LGD produces trends and pattern-based reports on VC performance.
Expected Output-2.1 Beneficiaries in project areas understand the roles and functions of the Village Courts and other local justice mechanisms and are able to access their services when required
Indicators
2.1.1 % People in project UPs who say they are aware of VCs and its functions.
2.1.1 (a) % women in project UPs who say they are aware of VCs and its functions.
2.1.2 % People in project areas able to correctly answer that Village Courts deals with minor conflicts and disputes.
2.1.2(a) % Female in project areas able to correctly answer that Village Courts deals with minor conflicts and disputes.
2.1.3 Knowledge gap on VCs between men and women narrowed compared to baseline.
Expected Output-2.2 Evidence-base and knowledge-management on Village Courts increased
Indicators
2.2.1 # Studies commissioned which support VC's ability to deliver access to justice.
2.2.2 # Lessons learned studies undertaken and disseminated.
2.2.3 Increased understanding of gender and justice issues

9. Evaluation team

As part of the impact evaluation, the evaluation team has been already procured at the time of baseline survey. The evaluation team is consisted of Team Leader/ Principal Investigator and Data Analyst, together with enumerators in the field.

The Team Leader/ Principal Investigator and Data Analyst have met the following eligibility criteria respectively.

Minimum Eligibility Criteria of key personnel:

Team Leader/Principal Investigator: Team Leader/Principal Investigator must have at least Masters in Development Studies/Anthropology/Economics/Statistics/Social Sciences or in related field with minimum five (05) years of overall experience in conducting impact evaluation (CV must be attached duly signed by the individual professional and dated).

Data Analyst: The Data Analyst must be Masters in Statistics or Social Sciences/ Economics or another relevant discipline with minimum five (05) years of progressive experience of advanced level data analysis using STAT/ SPSS.

10. Competencies:

All the key personnel possess the below competencies.

Corporate Competencies:

- Demonstrates integrity by modeling the UN’s values and ethical standards (human rights, peace,
- understanding between peoples and nations, tolerance, integrity, respect, and impartiality
- Promotes the vision, mission, and strategic goals of UNDP
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Functional Competencies:

- Demonstrates openness to change, flexibility, and ability to manage complexities
- Proven strong written, analytical and communication skills.

11. Schedule of Payments

UNDP shall effect payments, by bank transfer to the consultancy firm’s bank account, upon acceptance by AVCB II/UNDP of the deliverables specified in the ToR. Payments will be based on milestone deliverables upon submission of invoice and upon certification of the work completed. However, this evaluation will be commenced following the earlier contract for baseline survey where 40% payment has already been made. The payment schedule for the rest of the portions as below.

Deliverables	% of the total contract value
After submission and acceptance of end line data collection tools, training and field test of the questionnaire and upon certification by UNDP contract administrator	20%

After submission and acceptance of Final Evaluation report (End line report) and upon certification by UNDP contract administrator.	40%
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Clearance

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