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Services/Work Description: The Mid-Term Review of a regional project in UNDP Bangkok Regional Hub

Project/Programme Title: Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) Project

Consultancy Title: International Expert - Mid Term Evaluation of UNDP Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) Project

Duty Station: Home-based

Duration: 5 months (max 100 worked days)

Expected start date: 31 January 2022

1. BACKGROUND

The UN Guiding Principles (UNGPs) on Business and Human Rights are widely recognized as the most authoritative, normative framework guiding efforts to reduce or eliminate the adverse impact of business operations on human rights. The UNGPs consist of three pillars and are grounded on a polycentric governance framework promoting a so-called “smart mix of measures.” The first pillar of the UNGPs concerns the State duty to protect human rights in business operations under established international human rights law. The second pillar addresses the responsibility of business enterprises to respect human rights through policy commitments and processes. The third and final pillar stresses the need for both State and non-State actors to promote access to effective remedies to victims of business-related abuses through providing or cooperating in judicial and non-judicial grievance mechanisms.

In Asia, governments and business are more widely aware of the UNGPs and its importance to ensuring high volumes of trade and investment. Thailand adopted Asia’s first stand-alone National Action Plan on BHR (NAP) on Business and Human Rights (BHR) in 2019, followed by Japan in 2020. Other States in Asia are following suit with NAPs in development in India, Indonesia, Malaysia and Pakistan. There is a unique opportunity to build momentum in the region, building on existing political commitments from states, while engaging business and civil society under a wider heading of responsible or sustainable business practices.

The UNDP Asia-Pacific, Bangkok Regional Hub, Business and Human Rights unit, has been playing a central role in promoting the implementation of the UNGPs in Asia. Based on a year-long piloting phase including scoping mission between June 2017 and March 2018, funded by the Regional Development Cooperation Section at the Embassy of Sweden in Thailand, UNDP identified seven countries—Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam to accelerate regional momentum taking place in Asia towards the implementation of the UNGPs. As regional momentum took shape, the European Union (EU), Service for Foreign Policy Instruments was approached to deepen engagement at the country level, which would eventually include India, Indonesia, Malaysia, Mongolia, Myanmar, Sri Lanka and Thailand.

The Project, “Business and Human Rights in Asia: Enabling Sustainable Economic Growth through the Protect, Respect and Remedy Framework,” (B+HR Asia) was thus designed with an aim to promote the implementation of the UNGPs in Asia at the country level, focused on advocacy, policy development, technical advisory support, capacity building, awareness-raising, innovation platforms, regional peer learning events, and South-South cooperation. With support from the EU, the project has been driving progress on BHR in the region, engaging diverse stakeholders including governments, businesses, civil society organizations (CSOs), and independent national human rights institutions (NHRIs). Importantly, in mid-2020, the EU approached UNDP to provide for supplementary funding

to support the opening of activities in Mongolia and for the uptake of regional level work linking BHR to environmental issues. An amended project document was agreed on November 2020.

This project contributes to the UNDP Asia-Pacific Regional Programme Output 2.3 Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights (UNDP Strategic Plan 2.2.2 and 2.2.3). Project activities are channeled towards five (5) principle outputs:

- 1) To engender greater awareness and knowledge, and strengthen political will in furtherance of policy convergence and compliance with the UNGPs;
- 2) To enhance communication and public diplomacy around Business and Human Rights thereby building public interest and support;
- 3) To support access to remedy and other rights-based solutions such that human rights abuses are prevented; and
- 4) To explore interlinkages between adverse environmental and human rights impacts by business operations is better understood and policy action is more clearly articulated.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED WORK

The Purpose and Objectives of the Mid-Term Review

The Mid-Term Review (MTR) aims to inform UNDP B+HR Asia team and its partners of lessons learned, results achieved and areas for improvements. The MTR will draw out progress toward project deliverables, identify gaps in programming, and any course correction required for the second half of programming. Furthermore, the findings of MTR will inform the future designing of UNDP's work on BHR in the region along with the final evaluation. As this project is the first initiative developed in UNDP on BHR, the MTR will be able to produce valuable lessons and experiences, providing useful findings to the other relevant BHR projects and various initiatives organized by UNDP Regional Hubs (RHs) as well as Country Offices (COs) globally.

Responding to the Theory of Change (ToC) as described in the project document, the agreed results and resources framework (RRF) and the approved workplans, the MTR should look at the relevance of the project, quality of the project design, effectiveness and efficiency of the implementation to date, sustainability of the overall project results, impact of intervention made to date, and forward-looking directions for future. To meet these ends, MTR will serve to:

- assess project performance and progress against the expected outcome, expected outputs, targets including indicators presented in the RRF
- review and document the success and draw out lessons for deepening impact
- assess the effectiveness of the project's engagement with diverse stakeholders including governments, businesses, civil society organizations (CSOs), national human rights institutions (NHRIs), human rights defenders and other rights-holder groups in the implementation of the UNGPs and the development process of the NAPs
- review role of the project in enhancing the importance of and the space for the UNGPs at the national, and to a lesser extent, the regional level, while contributing knowledge, guidance and the development and application of the UNGPs through advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, regional peer learning events, and South-South cooperation
- identify challenges and the effectiveness of the strategic approaches that the project adopted for addressing those challenges
- ascertain the relevance, effectiveness, efficiency, and sustainability of the project interventions
- outline recommendations, including potential realignments in scope and approach in line with the project's desired outcome

- provide forward looking recommendations to inform the future of UNDP's work on BHR in the region along with the final evaluation

The Scope of the MTR

The MTR is expected to assess the B+HR Asia project progress against the project ToC and the achieved results from 1 January 2020 to 31 December 2021 and propose recommendations which will inform and help improve the implementation of the project during 2021 – 2023 and designing any future projects. The MTR will be based on a desk review of project related documents and in-depth virtual interviews as outlined in the methodology section.

The MTR's geographical coverage includes the project's targeted countries in Asia Pacific, namely India, Indonesia, Malaysia, Mongolia, Myanmar, Sri Lanka and Thailand. The MTR may examine the regionality aspect of the project, but should focus primarily at country level, and as measured by resources available.

In responding to the MTR purpose and objectives, the MTR criteria and guiding questions can be outline below:

Table 1 - Criteria and Guiding Questions

Criteria	Guiding Questions
Relevance	<p><i>Relevance of the project: review the progress against project outputs and contribution to outcome level results as defined in the project's theory of change and ascertain whether assumptions and risks remain valid. Identify any other intended or unintended, positive or negative, results using following guiding questions.</i></p> <ol style="list-style-type: none"> 1. To what extent was the project in line with the regional development priorities and UNDP Strategic Plan and its direction on human rights? 2. To what extent does the project contribute to the ToC for the relevant regional programme outcomes? 3. To what extent were the project activities in target countries in line with national development priorities and country development programme outputs and outcomes? 4. To what extent is the overall design and approaches of the project relevant? 5. To what extent were the inputs and strategies identified realistic, appropriate and adequate to achieve the results? 6. To what extent did the project achieve its overall outputs? Are the project's contributions to outcomes clear? 7. To what extent was/is the project able to raise awareness of the UNGPs in the region and translate them into country-level action plans for implementation of the UNGPs and development of the NAPs? 8. To what extent did the project contribute to promoting responsible business practices as well as overall human rights conditions in the region? 9. To what extent does the project contribute to gender equality and women's empowerment? 10. To assess whether the results achieved had a differentiated impact on women and other vulnerable groups? 11. To what extent has the project been appropriately responsive to the COVID-19 pandemic as well as other political, legal, economic, institutional changes in target countries and the region?
Effectiveness	<p><i>Effectiveness of implementation approaches: review project's technical as well as operational approaches, the regionality and deliverables, quality of results and their impact, alignment with national priorities and responding to the needs of the</i></p>

	<p><i>stakeholders; covering the results achieved, the partnerships established, as well as issues of capacity using following guiding questions;</i></p> <ol style="list-style-type: none"> 1. To what extent have the project activities were delivered effectively in terms of quality, quantity, and timing? 2. How effective were the strategies used in the implementation of the project? 3. To what extent was the project successful in enhancing the capacity of States to implement the UNGPs and the development process of the NAPs into the governments' priorities? 4. What are the key internal and external factors (success & failure factors) that have contributed, affected, or impeded the achievements, and how have UNDP and other partners managed these factors? 5. In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements? 6. In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome? 7. To what extent have stakeholders been involved in project implementation? To what extent are project management and implementation participatory? 8. To what extent have the South-South cooperation and knowledge management contributed to the regional momentum on developing the NAPs?
Efficiency	<p><i>Efficiency of the project management structure and the added value of the project's regional approach: review planning, management, monitoring and quality assurance mechanisms for the delivery of the project interventions and the added value of the regionality of the project set up in the context of fiscal reform at national and subnational level using following questions.</i></p> <ol style="list-style-type: none"> 1. To what extent is the existing project management structure appropriate and efficient in generating the expected results? 2. Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes? 3. Was the process of achieving results efficient? Were the resources effectively utilized? 4. Did the project activities overlap, and duplicate other similar interventions funded nationally, and/or by other donors? 5. To what extent did the project produce synergies within UNDP and with other development partners and play complementary roles each other? 6. What is the added value of the project's approach for influencing the implementation of the UNGPs and development process of the NAPs at the national level? 7. How does the project align with other regional and national level initiatives/activities on BHR? How efficiently are national and regional activities connected and complement each other?
Sustainability	<p><i>Sustainability of the project results and risks along with opportunities related to future interventions: review and assess if the current project setup has plans for future resource mobilization, synergy, long term partnership and / or taking into account institutionalization of the project impact for continued support after the project end using following questions;</i></p> <ol style="list-style-type: none"> 1. What is the likelihood of the continuation and sustainability of national level dialogues engaging various stakeholders and strengthening national and

	<p>regional partnership architectures, made up of UN system, NHRIs, CSOs, and private sector actors working on BHR?</p> <ol style="list-style-type: none"> How were capacities of a various set of BHR stakeholders strengthened at the national level through regional peer-learning and south-south cooperation? Describe key factors that will require attention to improve the prospects of sustainability of Project outcomes and the potential for replication of the approach? To what extent do stakeholders support the project's long-term objectives? To what extent will financial and economic resources as well as political will be available to sustain the benefits achieved by the project? Are there any social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country programme outputs and outcomes? What have the benefits or return on investment of the outputs of the project, and which can be reasonably sustained and/or scaled up over time?
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MTR Methodology

The MTR method suggested here are indicative only. The MTR consultant should review the methodology and propose the final methods and data collection tools as part of the inception report. The MTR should employ a combination of both qualitative and quantitative evaluation methods and instruments. It should build upon the available programme documents, interviews with key informants and gathered from focus groups discussion, which would provide an opportunity for more in-depth analysis and understanding of the project. The evaluation consultant is expected to frame the evaluation using the criteria of relevance, effectiveness, efficiency, and sustainability.

The consultant must provide evidence-based information that is credible, reliable, and useful. The consultant is expected to follow a participatory and consultative approach ensuring close engagement with government counterparts, project team, UNDP COs, UNDP BRH and key stakeholders. The MTR will provide quantitative and qualitative data adopting appropriate methods. Some of the data collection methods are listed in below table 3.

Table 2 – Some Methods of Collecting Data

Review of relevant literature and documentation	<p>The MTR Consultant is expected to carry out the following activities while reviewing relevant documents:</p> <ol style="list-style-type: none"> Desk study of relevant literature Study and review of all relevant project documentation and evidence sources, which include a review of <i>inter alia</i> <ul style="list-style-type: none"> The B+HR Asia Project document (cost sharing agreement) Theory of change and Result Framework Project quality assurance reports Annual workplans Activity designs Consolidated quarterly and annual reports Results-oriented monitoring report Highlights of project board meetings Technical/Financial monitoring reports UNDP Bangkok Regional Hub Regional Programme Document Mid-term review (RPD MTR), Other relevant communication materials and knowledge products such as research studies, policy brief, blogs, etc.
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Online Interviews/Consultations	<ol style="list-style-type: none"> 1. In depth interviews (online) to gather primary data from key stakeholders using a structured methodology 2. Focus Group discussion (online) with project beneficiaries and other stakeholders 3. Interviews (online) with relevant key informants including the UN agencies and other implementing partners 4. Online meetings and or discussions with relevant stakeholders to complement the information received from other sources and for triangulation of information. 5. Development of evaluation questions around relevance, effectiveness, efficiency, and suitability and designed for different stakeholders to be interviewed based on stakeholder analyses. Online surveys or zoom meetings may be conducted to solicit feedback.
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List of key agencies, stakeholders and partners for evaluation

UNDP

- UNDP B+HR Asia EU project team members
- UNDP Country Focal Points from India, Indonesia, Malaysia, Mongolia, Myanmar, Sri Lanka, and Thailand
- B+HR Asia Programme Team at the regional and global level

Stakeholders:

- International development partners (ILO, UN Women, OHCHR, OECD, etc.)
- UN Working Group on Business and Human Rights
- Project donor and other partners
- National Human Rights Institutions
- Ministry of Law and Human Rights, Ministry of Commerce, Ministry of Foreign Affairs, etc.
- CSOs and Human Rights Defenders groups
- Academia
- Relevant private sector companies and/or business associations.

3. Expected Outputs and deliverables

The following deliverables in line with IEO's guidance are expected:

Table 3 - Expected Deliverables and Descriptions

#	Deliverables	Description	Due date
1	Workplan and methodology	The workplan should provide clear timeline of how each MTR steps will be undertaken. Considering travel restrictions due to COVID 19, the consultant is required to provide clear key informant interview and/or focus group discussion schedule, with assistance from the BHR project team at BRH. As UNDP BRH completed the RPD MTR, the consultant is expected to review the RPD MTR findings and methodology used for the process as this will help inform the design of BHR project MTR approach and methodology. The BHR MTR methodology should provide a specific assessment framework, covering both quantitative and qualitative dimensions, with a detailed list of required stakeholders who need to be interviewed in the MTR process. A simple stakeholder analysis for conducting interviews and evaluations can be conducted. The draft methodology can be adjusted later once the MTR consultant has completed the desk review of the project related documents. The	10 days after the contract signed

		final MTR approach and methodology can be presented as a part of the Inception Report.	
2	BHR MTR Inception report	<ul style="list-style-type: none"> The inception report should include a proposed schedule of tasks, activities, and deliverables, building on what has been provisionally proposed in this ToR. It should be prepared by the MTR consultant before going into a full-fledged MTR exercise. It should detail the reviewing approach, proposed format, and table of content of the MTR report. It must also outline the understanding of what is being reviewed and why, showing how each area of inquiry will be answered by way of: proposed methods; proposed sources of data; and data collection procedures. This information should be provided through the preparation of an MTR Matrix. The inception report should provide UNDP/EU and the MTR consultant with an opportunity to verify that they share the same understanding about the assignment, the same understanding of the ToC and clarify any misunderstandings at the outset. The MTR Inception report should include an MTR Evaluation Matrix. The matrix should include key evaluation criteria, indicators, question, and sub-questions to capture and assess them. 	15 March 2022
3	MTR evaluation briefing	After completion of data collection or before sharing the draft report, the evaluator should present preliminary debriefing and findings to the UNDP B+HR/EU Joint Steering Committee and MTR reference group.	1 April 2022
4	Draft B+HR MTR report	<ul style="list-style-type: none"> The Mid-term Review (MTR) Advisory Group¹ will review the draft B+HR Asia Project Mid-Term Review (MTR) report to ensure that it meets the required quality standards and covers all agreed components and contents of the MTR. Detailed comments and feedback on the draft report will be provided to the MTR consultant, and discussions may be held to provide clarifications as necessary. The draft report will also be shared with stakeholders and other partners, including the EU, for additional feedback and inputs. Evaluator should submit a comprehensive draft report consisting of major findings and recommendations for future course of action. 	30 April 2022
5	Final B+HR MTR report	<ul style="list-style-type: none"> The final MTR report will be produced by the MTR Consultant based on feedback received on the draft report. The evaluator should include two rounds of feedback from UNDP. The final report will be shared with the EU, its stakeholders and other relevant partners. The final draft report should be submitted within the given timeline with enough detail and quality. 	15 May 2022

¹ The MTR Advisory Group refers to the BHR MTR oversight function at BRH. The group members are composed of representatives from UNDP BRH Programme Management Unit and M&E Team, and B+HR Asia Team Advisor and the Project Manager.

6	Audit Trail Form	<p>The comments and changes by the consultant in response to the draft report should be retained by the evaluator in form of audit trail to show they have addressed comments.</p> <p>This document can be submitted as an Annex to the final evaluation report.</p>	31 May 2022
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4. Institutional arrangements/reporting lines

The B+HR MTR requires only one international consultant to complete the MTR. The MTR is estimated to commence on 31 January and will need to be completed before 15 June 2022 at the latest (maximum 100 worked day)

The principal responsibility for managing this evaluation resides with UNDP BRH B+HR Asia project manager at UNDP Bangkok Regional Hub. The B+HR Asia Team will contract the MTR consultant and help with the day-to-day coordination for MTR process with different stakeholder. The details of the implementation arrangement are described in Table 3.

Table 4 - Implementation Arrangements

Who (Responsible)	What (Responsibilities)
MTR Advisory Group as <i>Evaluation Manager</i>	<ul style="list-style-type: none"> Assure smooth, quality, and independent implementation of the evaluation with needful guidance from UNDP's Senior Management. Hire the national consultant by reviewing proposals and complete the recruitment process. Ensure the independent implementation of the evaluation process. Approve each step of the evaluation Supervise, guide, and provide feedback and comments to the evaluation consultants. Ensure quality of the evaluation. Ensure the Management Response and action plans are fully implemented
Business and Human Rights Specialists (B+HR Asia EU Project Manager)	<ul style="list-style-type: none"> Draft ToR to be reviewed and finalized by the <i>Evaluation Manager</i> Support in hiring the consultant Provide necessary information and coordination with different stakeholders including donor communities Provide feedback and comments on draft report Prepare management response and action plan and follow up the implementation
B+HR Project Team	<ul style="list-style-type: none"> Provide required information, furnishing documents for review to the consultant team. Logistic arrangements, such as for support in setting up stakeholder meetings, arranging field visits and coordinating with the Government.
MTR Consultant	<ul style="list-style-type: none"> Review the relevant documents. Develop and submit a draft and final inception report Conduct evaluation. Maintain ethical considerations. Develop and submit a draft evaluation report Organize meeting/consultation to discuss the draft report Incorporate inputs and feedback in draft report Submit final report with due consideration of quality and effectiveness

	<ul style="list-style-type: none"> Organize sharing of final evaluation report
MTR Reference Group	<ul style="list-style-type: none"> The MTR Reference Group comprised of COs focal points, DRR/RR as relevant, representative from GPN-AP, relevant UNDP Business and Human Rights Specialists in the region, EU representatives and other relevant stakeholders Review draft report and provide feedback Participate in debriefing session and provide suggestions

The MTR Consultant will be briefed by UNDP Evaluation Manager upon arrival on the objectives, purpose, and output of the evaluation. An oral debriefing by the MTR Consultant on the proposed work plan and methodology will be done and approved prior to the commencement of the process.

The B+HR MTR will remain fully independent. The MTR Consultant maintains all the communication through the Evaluation Manager during the implementation of the evaluation. The Evaluation Manager should clear each step of the evaluation. Evaluation report must meet the requirements from the Independent Evaluation Office's guidelines which will be provided as part of the inception meeting.

Contractors will arrange online final presentation with UNDP BRH and relevant stakeholders and noted comments from participants which will be incorporated in the final report.

The evaluator will incorporate two rounds of feedback from UNDP on the draft report.

The final report will be signed off by Business and Human Rights Specialist/Project Manager, B+HR Asia Team, UNDP Bangkok Regional Hub.

5. Experience and qualifications

I. Academic Qualifications:

- A minimum of a master's degree or equivalent in law, political science, development studies, history, or other relevant social science.

II. Years of experience:

- At least 15 years of professional experience in the provision of policy, analytical, and technical advisory support for international development organization.
- At least 5 years of proven experience in development, risk assessment, and/or evaluation of programmes or projects in the area of human rights, democratic governance, rule of law, and/or development.
- Experience in the result-based management, evaluation methodologies and programme/project monitoring approaches with development partners
- The project mid-term review/evaluation experience with UNDP is highly desired.
- Sound understanding of the UN system and of UNDP's mandate and role.

III. Language:

- Excellent spoken and written English language skills required

IV. Competencies:

- Excellent in analytical and drafting skills
- Strong time management and organizational skills
- Strong interpersonal and communication skills

- Openness to change and ability to receive and integrate feedback

6. Payment Modality

#	Deliverables	Description	% payment
1	Workplan and methodology	The workplan should provide clear timeline of how each MTR steps will be undertaken. Considering travel restrictions due to COVID 19, the consultant is required to provide clear key informant interview and/or focus group discussion schedule, with assistance from the BHR project team at BRH. As UNDP BRH completed the RPD MTR, the consultant is expected to review the RPD MTR findings and methodology used for the process as this will help inform the design of BHR project MTR approach and methodology. The BHR MTR methodology should provide a specific assessment framework, covering both quantitative and qualitative dimensions, with a detailed list of required stakeholders who need to be interviewed in the MTR process. A simple stakeholder analysis for conducting interviews and evaluations can be conducted. The draft methodology can be adjusted later once the MTR consultant has completed the desk review of the project related documents. The final MTR approach and methodology can be presented as a part of the Inception Report.	10%
2	BHR MTR Inception report	<ul style="list-style-type: none"> • The inception report should include a proposed schedule of tasks, activities, and deliverables, building on what has been provisionally proposed in this ToR. • It should be prepared by the MTR consultant before going into a full-fledged MTR exercise. It should detail the reviewing approach, proposed format, and table of content of the MTR report. • It must also outline the understanding of what is being reviewed and why, showing how each area of inquiry will be answered by way of: proposed methods; proposed sources of data; and data collection procedures. This information should be provided through the preparation of an MTR Matrix. • The inception report should provide UNDP/EU and the MTR consultant with an opportunity to verify that they share the same understanding about the assignment, the same understanding of the ToC and clarify any misunderstandings at the outset. • The MTR Inception report should include an MTR Evaluation Matrix. The matrix should include key evaluation criteria, indicators, question, and sub-questions to capture and assess them. 	20%
3	MTR evaluation briefing	After completion of data collection or before sharing the draft report, the evaluator should present preliminary debriefing and findings to the UNDP B+HR/EU Joint Steering Committee and MTR reference group.	10%
4	Draft B+HR MTR report	<ul style="list-style-type: none"> • The Mid-term Review (MTR) Advisory Group² will review the draft B+HR Asia Project Mid-Term Review (MTR) report to ensure that it 	

² The MTR Advisory Group refers to the BHR MTR oversight function at BRH. The group members are composed of representatives from UNDP BRH Programme Management Unit and M&E Team, and B+HR Asia Team Advisor and the Project Manager.

		<p>meets the required quality standards and covers all agreed components and contents of the MTR. Detailed comments and feedback on the draft report will be provided to the MTR consultant, and discussions may be held to provide clarifications as necessary.</p> <ul style="list-style-type: none"> • The draft report will also be shared with stakeholders and other partners, including the EU, for additional feedback and inputs. • Evaluator should submit a comprehensive draft report consisting of major findings and recommendations for future course of action. 	30%
5	Final B+HR MTR report	<ul style="list-style-type: none"> • The final MTR report will be produced by the MTR Consultant based on feedback received on the draft report. The evaluator should include two rounds of feedback from UNDP. The final report will be shared with the EU, its stakeholders and other relevant partners. • The final draft report should be submitted within the given timeline with enough detail and quality. 	30%