

TOR approved by:

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Resilient nations.

**TERMS OF REFERENCE for
 International consultant to conduct Final Evaluation of
 the “Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic” Project (Phase II)**

Assignment Title	International Consultant to conduct the Final Evaluation of A2J project (Phase II)
Type of Contract	Individual Contract (IC)
Start/End Dates	August 16 – October 1, 2021
Estimated working days	24 effective working days
Supervisor	A2J Project Coordinator and UNDP Chief Technical Advisor Rule of Law
Location	Home-based (on-line)
Country	Kyrgyz Republic

A. PURPOSE OF THE FINAL EVALUATION

In line with UNDP Evaluation guidance, rules and procedures, as well as UNDP M&E Policy, the UNDP Country Office in the Kyrgyz Republic is commissioning a final evaluation of the Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic Project (A2J) (Phase II) implementation, funded by the Ministry for Foreign Affairs (MFA) Finland and implemented by the United Nations Development Programme (UNDP) in the Kyrgyz Republic. This final evaluation is intended to analyze project’s progress and results, identify problems and constraints that have been encountered in implementation, formulate important best practices and lessons to be learned. The evaluation will be also forward looking and provide preliminary recommendations for the future design and implementation of a new A2J/Rule of Law project, advice on forthcoming strategic directions and priorities in the Access to Justice/Rule of Law areas and consider options for future delivery and implementation which promote ownership, sustainability and increased efficiency and effectiveness.

B. BACKGROUND AND CONTEXT

Since 2018, under the framework of UNDP Country Programme Document (CPD) 2018-2022, UNDP in the Kyrgyz Republic has been implementing the second phase of the A2J project with an estimated budget of 1,7 million Euros and funded by the MFA Finland.

Project Information:

Project Title	Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic Project (Phase II)
Project ID	00104271
CPD Outcome and Output	Outcome #2: By 2022, institutions at all levels are more accountable and inclusive ensuring justice, human rights, gender equality and sustainable peace for all. Output 2.1. Core functions and capacity of Parliament, key government institutions and local authorities strengthened for accountable, transparent and inclusive policy making and implementation, as well as quality public services delivery.

	Output 2.2: Justice system and institutions enabled to uphold rule of law, promote and protect Human Rights, and improve access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities.
Project dates	January 1, 2018 – December 31, 2021
Project budget	Committed: EUR 1,7 million (Phase II) Actually received: EUR 1,440 million
Project expenditure at the time of evaluation	Expenditures for 1 January 2018 – 31 December 2020: 940,000 EUR
Source of funding	MFA Finland

Phase II of the project builds on the achievements of and lessons learnt generated during its phase I (2014-2017), including, inter alia, the adoption of the new Law on “State Guaranteed Legal Aid” and support to country’s efforts in developing a sustainable mechanism allowing citizens to access their rights in an efficient manner. In line with the Human Rights Based Approach (HRBA), it addresses capacity gaps of duty bearers (state bodies and justice sector actors) and rights holders (general population with special focus on the most vulnerable groups, including women, people with disabilities, CSOs and communities).

The project also contributes to the implementation of the National Sustainable Development Strategy and judicial reform of the Kyrgyz Republic, as well as to the nationalization process of 2030 Sustainable Development Agenda, and in particular the implementation of SDGs 5,10 and 16.

The project supports the implementation of activities nationally and locally in Chuy and Osh regions, which constitute more than 60% of the country’s population. On the duty bearers’ side, the project primarily focuses on supporting the state’s ability to fully and effectively implement the Law on State Guaranteed Legal Aid addressing the structural, financial and capacity constraints. At the level of rights holders, it mostly concentrates on promoting legal empowerment and increasing awareness on human rights through the implementation of the State Concept on Raising Legal Culture, with a focus on the most vulnerable groups.

Therefore, the interventions are designed around the achievement of the following two outcomes:

Outcome 1: Ministry of Justice of KR provides accessible, affordable, efficient and quality services to resolve justice problems of project target groups in the selected provinces of the Kyrgyz Republic.

Outcome 2: Vulnerable groups targeted by the project, including women and people with disabilities know and exercise increasingly their rights to justice in the selected provinces of the Kyrgyz Republic.

Within this context, UNDP in the Kyrgyz Republic intends to hire an International Consultant to conduct a final evaluation of the implementation of the A2J project, for a period of 24 working days commencing on the 30th of August 2021 as per requirements set forth in this Terms of Reference (TOR).

C. EVALUATION APPROACH AND METHOD

The final evaluation is intended to assess the degree to which A2J project has been able to deliver against the overall objective, the outcomes, the deliverables and the strategies and implementation mechanisms being applied during project implementation (2018-2021). In particular, the review is expected to assess relevance, effectiveness, efficiency, sustainability, national ownership, impact, progress and results of the project, identify problems and constraints that have been encountered in project’s implementation, as well as formulate important good practices and lessons to be learned, as defined and explained in the UNDP Evaluation Guidance. A set of key questions covering each of these criteria have been drafted and included within this ToR (section D). The evaluation shall also provide recommendations for the future design and implementation of an eventual new project aimed at promoting access to justice, including suggestions that builds on the overall UNDP’s rule of law

portfolio, for strategic priorities, delivery options and modalities of implementation that promote sustainability, increased efficiency, effectiveness, civic engagement and national ownership.

The evaluation is expected to follow a participatory and consultative approach ensuring close engagement with relevant government, line ministries and justice actors, including but not limited to: government officials, Ministry of Justice, Ministry of Healthcare and Social Development representatives, members of the Parliament's Committee on Constitutional law, Public administration, Judiciary and Regulations, Bar Association, representatives of civil society organizations, UNDP staff and management, donor's representatives, and development partners. The evaluation must provide evidence-based information that is credible, reliable and useful. Also, evaluation should employ a combination of both qualitative and quantitative evaluation methods and instruments.

The evaluator will review all relevant sources of information, such as the Project document, project progress reports, relevant national strategic and legal documents, any other files, documents and materials that the evaluator considers useful for the evidence-based assessment. The list of documents that the project team will provide to the evaluator for review is included in Annex A of this Terms of Reference.

It is recommended that the evaluation methodology includes the following: documentation review (desk review), on-line interviews with relevant stakeholders and UNDP personnel. The evaluation report must include a chapter providing a set of conclusions, recommendations and lessons learned.

D. EVALUATION OBJECTIVES AND CRITERIA

This final evaluation is intended to provide UNDP with an objective assessment of the A2J project in delivering against goal, outcomes and deliverables of the project as articulated in the Project Document between UNDP in the Kyrgyz Republic and the Ministry for Foreign Affairs of Finland. It shall provide also clear recommendations for the future direction of any new project interventions. The findings of the final evaluation should:

- Provide a full assessment of relevance, effectiveness, efficiency, sustainability, progress and results of the A2J project since the launch of Phase II in 2018
- Provide a complete analysis and evaluation of the key results and indicators as set out in the AWP's and in the related M&E frameworks developed
- Provide a comprehensive overview of the project's key challenges and lessons learned
- Provide a snapshot assessment of the project's value for money, including the optimal use of resources to achieve the intended overall goal, outcomes and deliverables
- Provide guidance on the state of the project intervention in order to inform future decisions regarding the strategic direction of a possible future interventions in line with MoJ, MoHSD and UNDP's priorities in the justice sector
- Assess whether the current focus areas that the project is engaged in are the most relevant for the promotion of access to justice in the Kyrgyz Republic and whether UNDP is still well positioned to effectively and efficiently support the vision and priorities of the Kyrgyz Republic, to strengthen access to justice and to meet the needs of the most vulnerable groups of population
- Identify any activities which should be eventually expanded into a new project; and any 'quick win' initiatives that a new project should engage in; determine whether there are certain activities that a new project should not be engaged in or pursue
- Identify risk factors that may hinder progress and propose risk mitigation/management strategies to ensure success and effective implementation of a new project.

The evaluation of the project performance will be carried out, based on expectations set out in the Project Results and Resources Framework (RRF), which provides performance and impact indicators for project implementation. The evaluation will at minimum cover the criteria of: Relevance, Effectiveness, Efficiency, Sustainability and Impact.

The evaluation will be guided by the following criteria and questions:

Relevance:

- 1) To what extent A2J project activities are relevant to enhancing access to justice in the Kyrgyz Republic?
- 2) To what extent A2J project's work towards sustainable access to justice is consistent with and responding to current and emerging national and local policies, priorities and needs of the intended beneficiaries?
- 3) To what extent does this work sustain the current vision and priorities of the Kyrgyz Republic and its people, support the most vulnerable groups of population and contribute to foster Agenda 2030 for Sustainable Development?
- 4) To what extent is the project coordinated with other initiatives in the access to justice field?
- 5) How well the design and implementation of the project address the needs of the most vulnerable groups in the country?
- 6) To what extent did UNDP project adopt gender-sensitive and human rights-based approach?

Effectiveness:

- 1) How effective have the A2J project strategies, approaches and activities been towards achieving the project's intended objectives and targets?
- 2) What were the major factors influencing the achievement or non-achievement of the objectives?
- 3) Has the A2J project successfully leveraged its partnerships with relevant governmental agencies, civil society and other beneficiaries? Is the cooperation with the selected partners leading to the most effective results?
- 4) What observed initial changes can be attributed in general terms to A2J project activities and outputs?
- 5) How should the development approach/theory of change adjust for future programming?
- 6) To what extent have women and people with disabilities (PwDs) benefited from the project results?
- 7) To what extent have the results at the outcome and output levels generated results for gender equality, PwDs and women empowerment?
- 8) To what extent has the project been appropriately responsive to the needs of the national partner priorities?

Efficiency:

- 1) Have A2J project resources (funds, expertise, time, staffing) available to the project been utilized in the most appropriate and economic way possible towards the achievement of results?
- 2) Was the used grant component adequate to a) Reduce and eliminate discriminatory stereotypes towards the Project target groups (people with disabilities, rural women); b) Raise awareness and literacy of people with disabilities and rural women regarding their legal rights; c) Ensure legal empowerment of target groups through increased number of legal assistance applications to the FLA Centers and Buses of Solidarity in Chui and Osh oblasts.
- 3) How have partnerships influenced the efficiency of the project in delivering against its portfolio?
- 4) What realistic new delivery options the project shall consider to maximize efficiency and cost-effectiveness?
- 5) To what extent has the project increased the synergies between the UN/UNDP programmes/projects?
- 6) To what extent did UNDP promote cross-cutting issues like gender equality, women empowerment, human rights?
- 7) To what extent have project funds and activities been delivered in a timely manner?
- 8) To what extent have resources been used efficiently? Have activities supporting the strategy been cost-effective?

Sustainability, national ownership and impact:

- 1) To what extent will the benefits of the A2J project work in this area continue?
- 2) Is the level of national ownership and the measures that serve to enhance national capacity enough to guarantee the sustainability of results?
- 3) Is there a resource mobilization strategy in place for the project to ensure the continuation of benefits?

- 4) To what extent do national partners have the institutional capacities in place to sustain the outcome-level results?
- 5) How strong is the commitment of the Government and other stakeholders to sustaining the results of A2J project support and continuing initiatives?
- 6) To what extent are policy and regulatory frameworks in place that will support the continuation of benefits?
- 7) To what extent have partners committed to providing continuing support (financial, staff, aspiration, etc.)?
- 8) Are there any financial risks that may jeopardize the sustainability of the project outputs?
- 9) Are there any social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country programme outcomes and outputs?
- 10) To what extent do stakeholders support the project's long-term objectives?

Transversal themes (gender, social inclusion, conflict sensitivity, capacity building & partnership):

- 1) To what extent transversal themes were integrated into the project's activities?
- 2) To what extent A2J project is addressing discrimination against, inequality and/or exclusion of marginalized and vulnerable groups? Were vulnerable groups' needs and priorities reflected in the project design, interventions, monitoring and reporting?
- 3) To what extent did the partners (MoJ, FLA CC, CSOs) enhance their capacities as an outcome of the project?
- 4) Was the project able to bring together national partners and stakeholders to achieve the project's goals and objectives?

E. MAINSTREAMING

The evaluation is also expected to assess the extent to which the project was successfully mainstreamed with other UNDP cross-cutting priorities and six Signature Solutions, including gender equality and women empowerment, Vulnerable groups, LNOB, etc.

- Is the gender marker data assigned to this project representative of reality?
- To what extent has the project promoted positive changes in gender equality and the empowerment of women and PwDs? Were there any unintended effects?

F. FINAL DELIVERABLES

The International Expert will be expected to produce the following deliverables within the 24 effective persons days:

1. Preparation (Desk Review) and development of methodology
2. Draft Evaluation Inception Report (max 4 pages): Prior to embarking on the data collection exercise and desk review, the International Expert will be required to prepare an inception report which details the understanding of what is being reviewed and why; how it proposes to answer the main evaluation questions; and the work-plan of the review. This should be produced before the evaluation starts (before any formal evaluation interviews and surveys).
3. On-line evaluation (on-line interviews, meetings, as well as presentation of preliminary findings)
4. Draft Final Evaluation Report: The International Expert will be required to submit a draft report for review to UNDP and MFA Finland to ensure that it meets the required quality criteria.
5. Evaluation Brief (Presentation): If required, the International Expert will be requested to present the initial findings and recommendations of the report to UNDP, government counterparts, donors, and other access to justice development partners, as appropriate.
6. Final Evaluation Report: Following receipt of UNDP's and MFA Finland's initial comments, the International Expert will be required to submit a final report which clarifies and addresses any clarifications requested in the initial review.

The International Expert will be paid according to the completion of deliverables as detailed below:

	Deliverables/ Outputs	Target Due Dates	Percentage of Contract
1	Submission of developed methodology for final evaluation. Submission of evaluation inception report (max 4 pages) and work-plan	23 August 2021	20%
2	Presentation of initial findings, recommendations and draft final evaluation report submitted to UNDP and MFA Finland	21 September 2021	40%
3	Submission of Final Evaluation Report	1 October 2021	40%
	Total		100%

G. TEAM COMPOSITION AND EVALUATOR ETHICS

The evaluation team will be composed of 1 international consultant and 1 national consultant. The international consultant has responsibility over submission of final report. The evaluator selected should not have participated in the project preparation and/or implementation and should not have conflict of interest with project related activities. The project will provide an interpreter to support the international consultant during the on-line interviews with the national counterparts. The qualification for International consultant is reflected below.

The evaluation consultant will need to abide by the highest ethical standards and will be required to sign a Code of Conduct (Annex C) upon acceptance of the assignment. UNDP evaluations are conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluations'. The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on 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 and partners.

H. DUTY STATION

- a) This consultancy will be home-based

I. TIMEFRAME

- a) The contract will come into effect on 16 August 2021 and end on 1 October 2021
- b) The international consultant will work for a period of **24 effective working days** within the dates indicated as per the tentative schedule below:
 - a. Home-based work: **3 days (between 16 – 23 August 2021)**
 - i. Review of background documents, reports, etc.
 - b. On-line evaluation: **17 days (between 24 August 2021 – 21 September 2021)**
 - i. On-line interviews, etc.
 - ii. Presentation of initial findings and recommendations to UNDP, MFA Finland and selected audiences
 - c. Home-based work: **4 days (between 22 September – 1 October 2021)**
 - i. Finalization of report
 - ii. Submission of final report: **by 1st of October 2021**

J. REPORTING REQUIREMENTS AND MANAGEMENT ARRANGEMENTS

- The International Consultant will report to the A2J Project Coordinator and Chief Technical Advisor Rule of Law on a weekly basis as work against deliverables progresses. S/he will be accountable to UNDP on the timeliness and quality of the deliverables
- The International Consultant will be required to review documents and consult with UNDP management and A2J project team members to better understand the project, including its design process, implementation aspects and expected results;
- The International Consultant will be required to conduct interviews with UNDP staff, government counterparts, implementing partners, donor representatives, project's beneficiaries and other parties relevant to this evaluation, as identified by UNDP and MFA Finland
- Upon completion of the assignment, the International Consultant will submit the final report based on the results achieved in agreed format. The final report will be required to be approved by the A2J Project Coordinator which will serve as a justification for payment.

K. QUALIFICATION AND COMPETENCY REQUIREMENTS

The International Consultant will require the skills, knowledge and expertise detailed below:

- Master's degree in law, political science, development studies or related field;
- Proven expertise and experience in conducting several evaluations and project/program assessments in the field of access to justice, democratic governance, rule of law;
- Technical knowledge and experience in UNDP thematic areas, specifically in access to justice/rule of law/cross cutting issues such as gender and human rights-based approaches to programming and capacity development is an asset;
- Prior experience of working in Kyrgyz Republic and/or in Central Asia on widening access to justice and rule of law is an asset;
- Strong analytical skills;
- Strong interpersonal skills;
- Ability to work in a multicultural environment;
- Fluency in English.

L. SCOPE OF PRICE PROPOSAL AND SCHEDULE OF PAYMENTS

Interested persons are requested to submit their financial proposals as a ***lump sum amount*** noting the following conditions:

- Preferred Currency of Offer: United States Dollars (US\$)
- The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

For local contractors in Kyrgyzstan UNDP shall effect payment in Kyrgyz Som based on the prevailing UN operational rate of exchange on the month of payment. The prevailing UN operational rate of exchange is available for public from the following link: <http://treasury.un.org/operationalrates/OperationalRates.aspx>

M. SCHEDULE OF PAYMENTS

Within 30 days upon UNDP's acceptance of the services delivered as specified and receipt of invoice.

L. RECOMMENDED PRESENTATION OF OFFER:

Interested persons are requested to submit the following documents:

- 1) **Letter of Confirmation of Interest and Availability** using the template provided by UNDP
- 2) **Personal CV** or P11 indicating all past experience as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references

- 3) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided by UNDP

M. ADDITIONAL REQUIREMENTS FOR RECOMMENDED CONTRACTORS

Individual Consultants/Contractors whose assignments require travel and who are over 65 years of age are required, at their own cost, to undergo a full medical examination including x-rays and obtaining medical clearance from an UN-approved doctor prior to taking up their assignment.

Individual Consultants/Contractors are required to have vaccinations/inoculations when travelling to certain countries, as designated by the UN Medical Director. The cost of required vaccinations/inoculations, when foreseeable, must be included in the financial proposal. Any unforeseeable vaccination/inoculation cost will be reimbursed by UNDP.

N. INOCAULATIONS/VACCINATIONS

Individual Consultants/Contractors are required to have vaccinations/inoculations when travelling to certain countries, as designated by the UN Medical Director. The cost of required vaccinations/inoculations, when foreseeable, must be included in the financial proposal. Any unforeseeable vaccination/inoculation cost will be reimbursed by UNDP.

O. TRAVEL REQUIREMENTS

No travel to the Kyrgyz Republic is required.

P. UNDP INPUTS

UNDP will provide the following support:

- ✓ Facilitation of introduction letters and/or requests for on-line meetings upon request with stakeholders and beneficiaries
- ✓ Substantive inputs to and quality control of deliverables
- ✓ Project related documents such as Project Document, Annual Work Plans and/or Progress Reports;
- ✓ Security charges are not applicable.

Annex A. Key Background documents

Annex B. List of Key stakeholders and partners