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## Terms of Reference for ICs and RLAs through /GPN ExpRes

**Services/Work Description:** Final project evaluation of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan”, Phase Two

**Project/Programme Title:** UNDP Rule of Law and Access to Justice Project

**Consultancy Title:** International Project Evaluation Expert

**Duty Station:** Home based with one mission (10 working days) to Dushanbe and possible travels to regions of Tajikistan

**Duration:** 25 working days over a period of 90 calendar days (January 2022 – April 2022)

**Expected start date:**

### 1. BACKGROUND

The Phase II of the project has been implemented since January 2018 and shall complete in December 2021. The Phase I of the project covered the period of January 2014 to June 2018.

Likewise the Phase I, Phase II has been developed employing human rights-based approaches, which helps to understand how laws, social norms, traditional practices and institutional actions negatively or positively affect access to justice for the people in Tajikistan. By adopting a human rights-based approach (HRBA), the Project is people-centred and links demand by rights holders for better justice outcomes. Through capacity development of duty-bearers (State Agency Legal Aid Center (SALAC), the Ministry of Justice, Ombudsman’s Office, etc. the project increases the ability to access justice for rights holders, in particular marginalised groups and individuals that will lead to better rights protection for all.

The overall objectives of the project are to ensure that high quality free legal aid is widely available to people across Tajikistan, in particular for rural people, women and people in vulnerable situations, such as persons with disabilities; to help Tajikistan accede to, ratify and comply with key international conventions on the rule of law; and to help enhance access to justice services generally for ordinary Tajik citizens.

The vision of the Project is to stimulate the Government of Tajikistan to establish a justice system whereby all people in Tajikistan, in particular vulnerable and marginalised can access affordable and high-quality justice, with state run free legal aid and know own rights and duties in respect of free legal aid and accessing justice.

The project’s activities built around two broad outcomes, as follows:

**Outcome 1:** Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.

**Outcome 2:** State bodies and justice sector actors are better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

These outcomes, and the activities anticipated under them, separate broadly into supply and demand-side drivers for reform: Outcome 1 is that people are empowered to defend and demand their rights, while Outcome 2 is that state bodies and justice actors are better able to supply them. The outcomes are similar to the outcomes for Phase I, but have been adjusted to reflect lessons learned (including the 2015-16 midterm evaluation conducted by NIRAS) and changing resources. The outcomes and their associated outputs and activities are discussed in more detail in the next section.

**Output 1: Women and PWDs in targeted areas gain increased legal literacy, human rights awareness, and access to legal information, and are better able to access national laws and institutions to defend their rights and**



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**interests.** In Phase I, the project worked on education and empowerment of women in two particular target areas – Rasht and Ghanchi. In Phase II, the project continues working in these areas, but expanded to regional levels covering whole country. The project indirectly supports implementation of the “State Programme on Human Rights Education for 2013-2020”, particularly activities related to persons with disabilities and issues of domestic violence. The project also conducts public awareness activities in target areas on human rights and access to justice issues. While conducting public awareness, the project utilizes approach where it works with regional Civil Society Organizations (CSOs) as service providers covering people with disabilities and gender issues, in parallel developing capacities of those regional CSOs.

**Output 2: Regional Policy Dialogues become a key platform for advocating policy change, and regional civil society has the capacity to contribute effectively.** Regional policy dialogues (RPDs) are held twice per annum in different regions of Tajikistan (oblasts). RPDs were instituted because senior policy makers rarely visited the oblasts, and almost never did so in a coordinated manner. The RPDs bring together policy makers from the capital including the Minister of Justice and other high-ranking officials; local authorities; and local CSOs and representatives of civil society. The RPDs to date have been successful both at bringing forward local concerns to central policy makers and at communicating central policy to local actors. The project continues support RPDs with an expansion of the role of CSOs and enhancing connection with the national-level Policy Dialogue.

**Output 3: A sustainable state-run system of primary free legal aid is developed, which will provide high-quality free legal aid, particularly to women and PWDs.** The project worked to provide free legal aid all throughout Phase I. The goals in Phase II is to (1) complete the transfer to a system that is 100% operated and at least 70% funded by the government, and (2) make the system long-term sustainable, while ensuring that (3) it continues to be free to most people; (4) continues to provide high-quality legal aid; and (5) continues to be particularly sensitive to the needs of women and PWDs. Currently, the provision of free legal aid is governed by the ‘Concept on Free Legal Aid’ passed in July 2015. However, this is a Presidential decree rather than a law. It was sufficient to allow the creation of SALAC, but will require additional expansion and codification to support the long-term standing of a state system of free legal aid.

**Output 4: High quality secondary free legal aid is provided via SALAC and the Union of Lawyers.** The project’s LACs have occasionally provided secondary free legal aid (SFLA) – that is, legal aid that involves going to court, or to a similar hearing in front of some state body. SFLA is distinct from primary free legal aid (PFLA), which merely involves counselling, advice, and assistance short of an actual trial or court hearing. Historically, most of the LACs’ work has been PFLA; only about 1% of all LAC clients have had cases that needed to go to trial. The Government of Tajikistan has been planning for years to develop an organized system of free legal aid to criminal defendants. There is strong political support for this within the government. Beginning in Q3 2017, Phase II begun with piloting of a system of secondary free legal aid for criminal defendants. The pilot programme has been started in four districts outside of Dushanbe, capital city. By now, the SFLA on criminal cases has been expanded to whole south and northern oblasts of Khatlon and Sughd.

**Output 5: The capacity of national human rights and justice institutions to implement international human rights standards is increased.** Tajikistan completed its most recent (second) UN Universal Periodic Review in May 2016. Based on that, the GoT has made a number of commitments to changes in its human rights framework (for instance, to sign and ratify the Convention on the Rights of Persons with Disabilities) and has developed a draft National Action Plan for carrying out these commitments. The project continues working with the GoT on particular conventions (CRPD, CEDAW, OPCAT) to advance accession or compliance when necessary. This output includes general support to the Ombudsman’s Office, including support in protecting and promoting human rights, including the development of expertise related to gender equality and issues of persons with disabilities. In particular, the Ombudsman’s Office should be able to comply with the Paris Principles, and should also be capable of implementing a National Preventive Mechanism against torture. (There is not currently an NPM, but the GoT has left the option on the table.) The project supports the Ombudsman’s Office carry out the goals of its current Strategic Plan for 2016-2020, and will help it draft a new Strategic Plan for the next five years (2021-25).

**Geographic location:** The project operates countrywide but with a focus on rural and remote, yet populated areas, where it has been identified that the problems related to the access to justice are highest.

**Partnerships:** The primary partner to the Project is the Ministry of Justice of the Republic of Tajikistan (MoJ) and its subordinated bodies, particularly SALAC. The MoJ as the senior beneficiary of the project will be closely involved in the implementation as well as monitoring and evaluation of programmatic results. The MoJ will also continue to chair the National and Regional Policy Dialogues.

The Ombudsman’s Office is also a major strategic partner of the project. The Ombudsman’s Office is responsible for a number of key initiatives, including Tajikistan’s interaction with several key international conventions; it advocates for signing and accession (i.e., in the cases of CRPD and OPCAT) and also monitors compliance with conventions that Tajikistan has already signed.

The Union of Advocates is the new national Bar Association, which replaced the old system (of multiple regional bar associations) in 2015.

The CSO Network is a loose “umbrella” organization of Civil Society Organizations; it currently has 24 members, including three women’s CSOs and four Organizations of People with Disabilities. It was established in 2016 with Project assistance. It is expected that it will be a secondary partner to the Project throughout Phase Two. The Network’s primary function will be to deliver recommendations and other inputs into the Policy Dialogue; however, the Project will be alert to opportunities to use the Network in other ways, thus building its capacity and strengthening the ability of member CSOs to influence public policy and law.

The total approved budget for the project was USD 1,942,125. As of September 30, 2021, the total USD 1,243,083 has been spent. The breakdown of budget is as follows:

'Budget vs expenses Strengthening Rule of Law and Human Rights to Empower People in Tajikistan'							
Project phase II as of 30 Sept 2021							
Outputs, Activity Results and Activities	Total Project Budget USD	Expenditures 2018	Expenditures 2019	Expenditures 2020	Expenditures 2021 (as at 30 September'21)	Total Expenditures FY2018 to 30 Sept 2021	Remaining Balance vs total budget as of 30 Sept'21
<b>GRAND TOTAL:</b>	(1,7mil EUR) 1,942,125	134,403	524,241	375,422	209,017	1,243,083	699,042

The project information is summarized in below table:

PROJECT/OUTCOME INFORMATION		
Project/outcome title	"Strengthening Rule of Law and Human Rights to Empower People in Tajikistan – Phase Two"	
Atlas ID		
Corporate outcome and output	<p><b>UNDAF:</b> People in Tajikistan have their rights protected and benefit from improved access to justice and quality services delivered by accountable, transparent, and gender responsive legislative, executive and judicial institutions at all levels</p> <p>Indicative Output(s) with gender marker: GEN2</p>	
Country	Tajikistan	
Region	Central Asia	
Date project document signed	1 <sup>st</sup> January 2018	
Project dates	Start	Valid period
	January 2018	31 June 2022
Project budget	USD 1.942,125	
Project expenditure at the time of evaluation	USD 1,243,083	
Funding source	MFA Finland, UNDP	
Implementing party	UNDP	
Working district	Dushanbe, Sughd, Khatlon, GBAO, DRS	

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

The end-phase project evaluation is being conducted to identify project implementation issues, assess achieved progress towards the achievement of objectives, relevance and performance of the project as compared to the project document, identify and document lessons learned and recommendations. The end-phase project evaluation is expected to serve as a means of validating or filling the gaps in the initial assessment of relevance, effectiveness and efficiency obtained from monitoring. The project evaluation also provides the opportunity to assess project's success or failure with indicating the explanation.

Specifically, the objectives are:

- ☑ To ascertain the achievements of the project and its relevancy, effectiveness, efficiency, sustainability and impact including synergies with other UNDP support efforts (coherence).
- Assess whether the project achieved or did not achieve outcomes and outputs stipulated in the Project Document and Results Framework;
- Identify factors that have contributed to achieving or not achieving project results;
- Assess the relevance, sustainability, effectiveness and efficiency of the Phase II project;
- Highlight the key results of the project and to analyse the key challenges faced by the project and how them have or haven't been resolved;

- Identify to what extent the project has contributed to the implementation of the ongoing reform of state-run legal aid system and developing regional policy dialogue on the Rule of Law (RoL) issues;
- Analyse the effectiveness of the existing partnerships established/maintained with the Ministry of Justice, civil society, UN Agencies, donors and other key stakeholders. Identify lessons learnt, effectiveness of project partnerships, level of state commitment and ownership;
- Provide recommendations for more effective resource mobilization;
- Assesses to what extent the project has addressed gender considerations and promoted gender equality throughout its implementation.

### Scope of Work:

The evaluation should assess the relevance, effectiveness, coherence, efficiency, impact and sustainability of the project interventions *between January 2018 and June 2022*. In addition, the evaluation should indicate if the produced results are in the right direction towards contributing to strengthening rule of law and human rights to empower people in Tajikistan. Particularly, the evaluation should cover but not limited to the following areas.

- ☐ 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.
- ☐ Effectiveness and efficiency of implementation approaches: review project's technical as well as operational approaches and deliverables, quality of results and their impact, alignment with national priorities and responding to the needs of the stakeholders; covering the results achieved, the partnerships established, as well as issues of capacity;
- ☐ Review the project's approaches in general including mainstreaming of gender equality and social inclusion, with particular focus on women and marginalised groups;
- ☐ Review and assess the sustainability of the results and risks and opportunities (in terms of resource mobilization, synergy and areas of interventions) related to future interventions;
- ☐ Review external factors beyond the control of the project that have affected it negatively or positively;
- ☐ Review planning, management, monitoring and quality assurance mechanisms for the delivery of the project interventions;
- ☐ Review coordination and communication processes and mechanisms with the stakeholders;
- ☐ Review how the implementation of project interventions have been impacted by COVID- 19 and how the Project could immediate response for effective and appropriate respond the pandemic.

### 1. Evaluation criteria and key questions.

The evaluation will follow the OECD-DAC's revised evaluation criteria - Relevance, Coherence, Effectiveness, Efficiency, Impact and Sustainability. Partnership and Human Rights will be added as cross-cutting criteria. The guiding questions outlined below should be further refined by the consultant and agreed with UNDP before commencement of the evaluation.

#### Key Questions

##### *Relevance*

- To what extent the country context in Tajikistan is conducive for work on rule of law?
- To what extent is project timely and relevant to the national context in Tajikistan?
- To what extent is the project in line with national priorities and needs of targeted groups?

- To what extent were the selected methods of delivery and approaches relevant and adequate for the successful implementation of the justice reform?
- To what extent project design is consistent in terms of Results-Based Management (RBM) and Human Rights Based Approach (HRBA) approaches?
- How is the UN principle of 'Leaving no-one behind' integrated in the project design and implementation?
- Is the project timeframe reasonable to achieve the expected results at outputs/outcomes level?
- To what extent the ToC is valid?
- To what extent the project is flexible/adaptable to the changes?
- What is an added value in the support of UNDP to the RoL in comparison to other projects in Tajikistan?
- What should be done to increase the relevance of the project?
- What are other critical issues in the legal sector in Tajikistan within the scope of the project that need urgent attention – or in the near future?

#### *Effectiveness*

- What is the RoL project fulfilment?
- In which areas does the project have the greatest achievements?
- To what extent the expected results are achieved by end of the Phase II?
- What are the key driving forces (KDF)?
- In which areas does the project have the lowest achievements? What have been the constraining factors and why? How could they be overcome?
- What are the major factors and actors influencing the (non)achievement of the expected results?
- What was the comparative advantage of the project partners engaged in the project implementation?
- What has been the contribution of UNDP partners and other organizations to the achievements?
- Did the project work with/address the right partners while implementing the RoL project?
- How has the capacity development/awareness raising of the target groups changed their knowledge, capacities and behaviors/systems?
- What, if any, alternative strategies would have been more effective in achieving the project's objectives?
- To what extent did the achieved outcomes benefit women and men equally?
- What should be done to increase the project performance on the initiated legal aid reform?
- Should the project continue supporting the Regional Policy Dialogue on the RoL issues and why?
- How to make it effective both for the state and the civil society?

#### *Efficiency*

- To what extent the project fulfilment corresponds to the Project Document? Are there any delays? If "Yes" why?
- Have resources (funds, human, time, expertise, etc.) been allocated and used adequately?
- To what extent is the project management structure efficient in generating the expected results?
- How systematic and efficient the management and oversight of the project is?
- To what extent do the M&E systems utilized by UNDP ensure effective and efficient project

management?

- What could be done to improve the results?

#### *Sustainability*

- To what extent are the project achievements likely to continue after its completion?
- To what extent did the main partner (Ministry of Justice) own the results and to sustain them?
- What are the prospects of policy/institutional/financial and environmental sustainability?
- To what extent are policy/regulatory frameworks in place?
- Is a sustainability strategy & capacity development of key stakeholders been developed/implemented?
- To what extent do stakeholders support the project? Any operational and/or financial commitments?
- To what extent has the project intervention forged new or strengthened partnerships among different stakeholders (government agencies, development partners, civil society)?
- What could be done to strengthen exit strategies and sustainability prospects of the project?

#### *Partnership*

- How the partnerships affected in the project achievement, and how might this be built upon in the future?
- Have the ways of working with the partner and the support to the partner been effective and did they contribute to the project's achievements?
- How does partnership with the Government (Ministry of Justice of the Republic of Tajikistan (MoJ) and its subordinated bodies, particularly SALAC) and CSOs (gender and disability public organizations) work? Does it create synergies or difficulties? What type of partnership building mechanism is necessary for future partnership?

#### *Gender equality and Social Inclusion*

- To what extent have issues of gender and marginalised groups (in particular people with disabilities) been addressed in the design, implementation and monitoring of the project?
- To what extent the project approach was effective in promoting gender equality and disability issues through project interventions?
- To what extent has the project promoted positive changes of women, people with disabilities? Were there any unintended effects?

## **2. Methodology**

The consultant should propose detail methodological framework in inception report. The study should undertake a quantitative and qualitative assessment. The consultant will be responsible for designing and conducting the evaluation including proposing appropriate methodology, designing tools, developing questionnaire and other instruments for data collection and analysis. The consultant is responsible (but not limited) to:

- Desk study and review of all relevant project documentation including project documents, annual

work-plans, project progress reports, annual project reports, minutes of the Steering Committee.

- Consultations with UNDP CO, Rule of Law and Access to Justice project staff, officials and board members, SCOs. Some of the consultations might be virtual based on the situation.
- Field observations, interactions/interviews (structured, semi-structured) and consultations with partners and stakeholders (including Ministry of Justice, SALAC, LAC, Union of Lawyers, Ministry of Finance, Ombudsman Office, State Committee for Women and Family Affairs, CSOs, including disabled and women organizations; international non-governmental organizations; individual beneficiaries; UN Agencies (UNICEF, UNFPA, UN Women, UNOHCHR); OSCE and representatives of donor MFA of Finland and SDC. Some of the interviews might be virtual based on the situation. The consultant should decide the number of visits and locations in the inception report.
- Briefing and debriefing sessions with UNDP and Project team as well as with other partners will be organised.
- The evaluator should ensure triangulation of the various data sources to maximize the validity and reliability of data. Analysis leading to evaluative judgements should always be clearly spelled out. The limitations of the methodological framework should also be spelled out in the review reports.
- In addition, any necessary methodologies for ensuring that the evaluation addresses the needs of vulnerable groups as identified in the project document, employs a rights-based approach and takes questions around gender into consideration.

### **3. Evaluation products (key deliverables).**

The evaluator should submit the following deliverables:

- Inception report detailing the reviewer's understanding of what is being evaluated, why it is being evaluated, and how (methodology) it will be evaluated. The inception report should also include a proposed schedule of tasks, evaluation tools, activities and deliverables.
- Evaluation matrix that includes key criteria, indicators and questions to capture and assess them.
- Evaluation debriefing- immediately after completion of data collection, the evaluator should provide preliminary debriefing and findings to the UNDP/Project team.
- Draft Evaluation report for review and comments.
- Evaluation Audit Trail – The comments on the draft report and changes by the evaluator in response to them should be retained by the consultant team to show how they have addressed comments.
- Final report within stipulated timeline with sufficient detail and quality by incorporating feedback from the concerned parties.
- An exit presentation on findings and recommendations.

#### **Major roles and responsibilities include:**

- Finalizing and designing the detailed scope and methodology for the evaluation
- Ensure appropriate division of tasks within the team
- Gathering and review of relevant documents
- Prepare inception report, evaluation matrix including the evaluation questions, data collection instruments, etc.

- Conduct field visits in selected communities and conduct interviews with the selected target groups, partners and stakeholders
- Facilitate stakeholders’ discussion to collect, collate and synthesize information
- Analyse the data and prepare a draft evaluation report in the prescribed format
- Incorporate the feedback and finalize the evaluation report
- Coordinate with UNDP CO for evaluation related information

### 3. Expected Outputs and deliverables

The evaluation is expected to start in second week of January 2022 for an estimated duration of 25 days. This will include desk reviews, primary information collection, field work, and report writing.

Planned Activities	Tentative Days	Remarks
Desk review and preparation of design (home based)	2 days	
Finalizing design, methods & inception report and sharing with reference group for feedback (home based)	3 days	UNDP needs at least 3 days to review and provide feedback on the inception report
Stakeholders meetings and interviews in field and Dushanbe (Virtual and/or field base)	12 days	
Analysis, preparation of draft report and shares for review	5 days	
Incorporate suggestions and comments to finalize the report and submit final report to UNDP	3 days	UNDP needs at least 10 days to review and finalize the report
<b>Total</b>	<b>25 days</b>	

### 4. Institutional arrangements/reporting lines

The principal responsibility for managing this evaluation resides with the UNDP CO in Tajikistan. The UNDP CO will contract the consultant and ensure the timely implementation of the evaluation. The Consultant will directly report to Project Manager. The Project Manager will assure smooth, quality and independent implementation of the evaluation with needful guidance from UNDP’s Senior Management. The project team will provide required information for evaluation in leadership of Team Leader/Governance, Human rights and Rule of law. The project team will arrange all the field visits, stakeholder consultations and interviews as needed.

The consultant will maintain all the communication through Project Manager. The Project Manager should clear each step of the evaluation. The final evaluation report will be signed off by DRR. The Consultant will be briefed by UNDP upon arrival on the objectives, purpose and scope of the Final evaluation.

The evaluation will remain fully independent. A mission wrap-up meeting during which comments from participants will be noted for incorporation in the final report.

## 5. Experience and qualifications

### I. Academic Qualifications:

- University degree in social sciences, management and other related areas

### II. Years of experience:

- At least 10 years of technical background in rule of law, good governance, public administration, and/or local development issues; Experience and expertise in project design, management, and monitoring and evaluation;
- At least 5 years of proven experience in evaluating programmes/projects; Experience in evaluating programmes/projects in public administration related fields is a strong advantage;
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### III. Language:

- Excellent knowledge of English with proven writing skills; knowledge of the Russian language would be an asset.

### IV. Competencies:

- Good report writing skills, advanced computer literacy and the ability to effectively communicate and work with high-level government officials;
- Ability to make recommendations focused on results and impact, with a strong understanding of value for money concepts;
- Knowledge of CIS context, preferably Central Asia region; Experience in Tajikistan is desirable.
- Knowledge of UNDP procedures and programme implementation strategies will be desirable;

## 6. Payment Modality

Payment to the individual contractor will be made based on the actual number of days worked, deliverables accepted and upon certification of satisfactory completion by the manager.