**TERMS OF REFERENCE**

**Review of the Strategic Partnership Framework on Governance and Rule of Law for HRBA and Gender Mainstreaming**

**1. Background**

* 1. *Sweden’s support to Sudan*

Sweden adopted in June 2008 a new strategy for the development cooperation with Sudan for the period of July 2008 – December 2011. The aim of the Swedish development cooperation is to contribute to peace building, respect for human rights, democratic governance, sustainable reconciliation and national unity. The Swedish support will focus on two main areas of cooperation: peace building/democratisation and peace dividends within the social sector. The objectives within the area of peace building and democratisation are:

* Increased democratic control and accountability which strengthen the respect of human rights and international humanitarian law.
* Inclusive, peaceful election processes.
* Increased capacity, effectiveness and transparency in the government and institutions in South Sudan.

Guiding principles:

* Support and respect of human rights – political and citizen as well as economic, social and cultural rights. A rights perspective shall be mainstreamed in all contributions.
* Gender equality, the Swedish support shall integrate the implementation of the Security Council resolution 1325.
* Child rights perspective including the implementation of security council resolution 1612
* Actively promote an environmental perspective.[[1]](#footnote-1)
  1. *The Strategic Partnership on Governance and Rule of Law*

The Strategic Partnership (SP) framework was created in late 2005 as a two-year co-financing partnership with the United Nations Development Programme (UNDP), the Government of National Unity (GoNU), the Government of Southern Sudan (GoSS), the United Kingdom’s Department for International Development (DFID), the Government of the Netherlands (Netherlands), and the Government of Denmark (Denmark) in support of the UNDP Governance and Rule of Law Programme in Sudan. Up to mid-2009, the SP had funded 32 projects to varying levels mainly in the area of governance and rule and law and the total value of donor funding allocated through the SP amounted to $74.5 million for the period January 2006 - June 2009.

The SP framework underwent an external evaluation in mid-2007 with findings that the SP has proved to be a useful complementary funding mechanism to that of the World Bank administered Multi Donor Trust Fund (MDTF) particularly in the areas of governance and rule of law, access to justice and early recovery. According to the findings of the Review, projects funded under the partnership commenced much faster than other joint funded initiatives and that the SP has filled an important gap in Sudan’s aid architecture. The Review recommended that the SP framework should be continued to provide support to the Governance and Rule of Law Programme of UNDP Sudan for the period 2008-2012.

Following the review’s recommendation, the original framework period 2005-2007 was extended until June 2009. In late 2008, SP partners endorsed the intention to enter into a second phase of the SP framework, starting 1 July 2009 – 31 December 2012, providing support to the three governance outcomes outlined in UNDP’s Country Programme Action Plan (CPAP) 2009-2012, focused on Democratization, Decentralization and Rule of Law.

SIDA decided to support the SP during 2008-2009 with a maximum of 19.5 million SEK and additional 500,000 SEK for consultancy studies with the aim to develop a strategic implementation of a human rights based approach and gender equality focus within the SP for 2009-2012.

* 1. *Human Rights Based Approach and Gender Mainstreaming in UNDP’s programmes in Sudan*

Human Rights Based Approach: A human rights-based approach to development programming (HRBA) is one which systematically applies the values, principles and standards contained in international and national human rights law to all aspects, both substantive and procedural, of the development process. The Secretary General of the United Nations, in his agenda for the Reform of the United Nations, and on several subsequent occasions has required the UN system to integrate human rights in all of its work. Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing, UNDP remains committed towards integrating human rights in all of its development work as outlined in its Strategic Plan 2008-2011. UNDP’s governance and rule of law programme in Sudan is premised on a rights-based approach to development where there is a clear focus on duty bearers and claim holders and the participatory processes through which public policy is shaped, services delivered and government is held to account.

Gender Mainstreaming: The UN World Summit of 2005, reaffirmed gender equality as a development goal itself (MDG Goal 3) and underlined its importance as a means to achieve all of the other MDGs. UNDP is committed to supporting the capacity development of its national partners to adopt approaches that advance women’s rights and take account of the full range of their contribution to development as a foundation for MDG achievement. In its efforts to support the implementation of UN Security Resolutions 1325 and 1820, and guided by the UNDP Eight Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery, UNDP Sudan through its governance and rule of law programme is working towards reducing violence against women and expanding women’s participation in governance and decision-making processes.

1. **Objective of the consultancy**

The objective of the consultancy is to assess the extent to which values, principles and standards contained in international and national human rights law has been applied to both the substantive and procedural aspects[[2]](#footnote-2) of UNDP’s programming in the framework of the Strategic Partnership in Sudan. Specific attention will be paid to examining how effectively a gender equality perspective has been integrated in UNDP’s governance and rule of law programme with a view to support the implementation of UNSC Resolutions 1325 and 1820, as well UNDP’s Eight Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery.

Based on the findings of the assessment the consultancy will propose an action plan for a human rights and gender equality based programming of the SP during 2010-2012. The action plan will include recommendations how to effectively target and mainstream human rights and gender equality in current programming as well as to monitor and evaluate its implementation.

1. **Scope of Work/Issues to be covered**

The assessment will include review of relevant programme documents as well as interviews of relevant actors, including UNDP staff, partner organisations, donors and target groups. The assessment includes at least two field trips (preferably to Southern Sudan and the Three Protocol Areas) with in-depth assessments of individual projects within the SP. The field trips will include extensive consultation with target groups as well as other relevant local actors.

1. **Key deliverables**

The consultant team will produce a report, which will:

* Assess the status and lessons learned regarding the mainstreaming of HRBA and gender equality in UNDP’s programmes under the Strategic Partnership Framework
* Indentify gaps, concrete entry points and necessary partnerships to improve human rights and gender equality programming in SP programmes , with a special focus on support to promoting women’s leadership and decision-making, and addressing sexual and gender based violence to ensure the delivery of concrete results on UNSC resolutions 1325 and 1820
* Make recommendations how to engage more effectively with government counterparts and other key stakeholders in Sudan on human rights and gender equality issues
* Make recommendations how to strengthen UNDP’s capacity in HRBA and gender equality programming

1. **Method of Work**

The assessment shall be based on already conducted relevant studies and include interviews with relevant actors including UN staff, donor representatives, NGOs, local partners, local authorities, target groups etc.

UNDP will provide logistical support to the consultancy team in the areas of administration, transport and security.

**5. Composition of the Assessment Team**

The consultancy team will be comprised of two international consultants, including one Swedish consultant and one UNDP expert, and one national consultant. The national consultant will be recruited in accordance with UNDP standard contracting procedures for national consultants.

All consultants should have Masters Degrees and a minimum of 10 years of experience in development programme design, implementation and monitoring, as well as gender and human rights based development programming. Knowledge of Sudan is preferred but experience of North and/or East Africa is an advantage. Familiarity with the UN/UNDP work is a strong asset. Fluent spoken and excellent written English is required. A number of team members with Arabic are preferred.

The Swedish consultant will be tasked with being the team leader and will direct and lead the consultancy team. The other consultants will be expected to work under the day-to-day direction of the team leader in a collaborative and supportive style so as to achieve the overall objectives of the consultancy assignment

**6. Timeframe**

The proposed consultancy will last for six weeks, commencing in mid-October and should be completed by end-November. Out of the six weeks, a minimum of three weeks shall be spent in Sudan.

Tentative timetable

Week 1 Desk review of key documents by the consultants (home countries)

Week 2-4 Travel to Sudan (Khartoum, Juba, selected field visits) to conduct project visits and meetings key stakeholders (UNDP, government, donor representatives, NGOs, local authorities and partners). A debriefing will be conducted at the end of the field visits to key stakeholders in Khartoum and Juba.

Week 5-6 Report writing (home-based)

**7. Reporting**

The consultancy team shall produce a common report including the findings of the assessment (max 20 pages, appendixes not included). The team shall also present an action plan (max 10 pages) of a human rights and gender equality based approach within the UNDP SP 2010-2012.

The report and the action plan shall be written in English. A draft shall be presented to SIDA and UNDP not later than 30 November 2009.

Within two weeks after receiving comments on the report from SIDA and UNDP a final version shall be submitted to SIDA, JDT and the Swedish Embassy in Khartoum. The consultants shall be available for a presentation of the report in Khartoum and Juba.

1. Swedish strategy on development cooperation with Sudan 2008-2011 [↑](#footnote-ref-1)
2. Situation analysis and assessment, priority and target-setting, policy and strategy development, programming and project formulation, project implementation and service delivery, monitoring and evaluation. [↑](#footnote-ref-2)