**TERMS OF REFERENCE for FINAL EVALUATION OF DGTTF PROJECT**

**REFORM OF JUDICIARY IN SEYCHELLES**

**INTRODUCTION**

The work described in these Terms of Reference (ToR) is for a consultant to conduct the terminal evaluation of the project. The evaluation will to assess the relevance, performance and success of the activities undertaken.

**2. BACKGROUND**

Seychelles is a middle-income Small Island Development State (SIDS) with a population of 82,800 inhabitants (49.4% men and 50.6% women). The archipelago covers a vast tract of the western Indian Ocean in an Exclusive Economic Zone of over 1.3m km2, a total landmass of 445 km2 distributed on 115 islands, of which the largest are Mahe, Praslin and La Digue.

Article 119 of the Constitution of the Third Republic vests the judicial powers of Seychelles in the Judiciary. Article 119(2) provides for a Judiciary that is independent and that is subject only to the Constitution and other laws of Seychelles. As one of the pillars of Government, its sound and efficient functioning ensures that the rights of citizens are upheld and preserved. It is also pertinent for the Judiciary to uphold the rule of law. Seychelles has a “mixed” legal system which evolved from its colonial rulers. The Civil Law is French based derived from the Napoleonic Code and the Criminal law is based on English Common Law. Both obviously have been adapted to complement the jurisdiction.

The Judiciary has a three tier court set up with the Court of Appeal being the highest court of the jurisdiction. Below the Court of Appeal is Supreme Court, the Magistrate Court and other subordinate courts and Tribunals such as the Juvenile Court and the Rent Board. Magistrates' courts are normally the courts of the first instance. Constitutional cases are brought before the Constitutional Court. The Supreme Court hears appeals and takes original jurisdiction ofsome cases and it also sits as the Constitutional Court save that in such instance it sits with a panel of 3 Judges. The Constitutional Court convenes once weekly or as needed to consider constitutional and civil liberties issues. The Court of Appeal hears appeals from the Supreme Court. The Court of Appeal convenes thrice a year and considers appeals from the Supreme Court and Constitutional Court only. In addition, an Employment Tribunal, a Family Tribunal and a Rent Board exist.

The President of Seychelles makes appointments to the posts of Chief Justice, President of the Court of Appeal, Justices of Appeal and Puisne Judges from candidates proposed by the Constitutional Appointments Authority. Section 5 of the Courts Act vests in the Supreme Court with full original jurisdiction to hear and determine all suits, causes and matters under all laws and in exercising such jurisdiction it is vested with all the powers, privileges, authority and power exercised by the High Court in England. It also sits as appellate court on decisions of lower courts. The other Courts have limited jurisdiction as established by Law.

The project started its implementation in July 2009 and is executed by the Supreme Court of Seychelles with support from the UNODC established through a Standard Letter of Agreement. The project is funded by the Democratic Governance Thematic Trust Fund and the Government of Seychelles.

**2.1 Project objective**

The objective of the project is to address the management as well as administrative bottlenecks and the human and technological shortcomings. The judicial system of the Seychelles is independent as anchored in the Constitution, yet its operational quality is lacking in effectiveness and efficiency. Consequently, the government of Seychelles is committed to undertake a comprehensive review of the courts and associated law enforcement institutions to improve operational efficiency through capacity development at all levels (individual, institutional and systemic) as well as through the adoption of new management practices and new technological improvements.

# The three technical outputs would lead to a single measurable outcome: ENHANCING THE RULE OF LAW IN SEYCHELLES THROUGH THE STRENGHTENING OF THE CAPACITY, THE MONITORING AND THE OVERSIGHT OF THE JUDICIARY

The assessment of the project impacts and achievements during the implementation period and the extraction of lessons learned both in terms of financial and technical approaches, require a proper evaluation of the project achievements and to measure the improvements or changes and expected results inception.

The project is seeking the services of a qualified expert (national) to conduct the terminal evaluation of the project. The consultants will assess the project achievements and impacts, in consultation with the main project stakeholders. The consultants will work very closely with the UNDP Country Office as well as the Supreme Court and the previous Programme Manager and consult with the UNODC Office based in Vienna. The consultants will be contracted by UNDP Country Office and, will report to the UNDP Programme Manager who will be responsible for quality assurance. Any support required and relevant documents will be provided as necessary to the consultant.

**3. UNDP MONITORING and EVALUATION (M&E) POLICY**

The Monitoring and Evaluation (M&E) policy at the project level in UNDP has four objectives: i) to monitor and evaluate results and impacts; ii) to provide a basis for decision making on necessary amendments and improvements; iii) to promote accountability for resource use; and iii) to document, provide feedback on, and disseminate lessons learned. A mix of tools is used to ensure effective project M&E. These might be applied continuously throughout the lifetime of the project – e.g. periodic monitoring of indicators -, or as specific time-bound exercises such as mid-term reviews, audit reports and final evaluations.

In accordance with UNDP M&E policies and procedures and the DG-TTF requirements, all DGTTF projects must under a terminal evaluation upon completion of implementation. Final evaluations are intended to assess the relevance, performance and success of the project. It looks at early signs of potential impact and sustainability of results, including the contribution to capacity development. It will also help to identify/document lessons learned and make recommendations that might improve design and implementation of other DGTTF projects in the future.

**4. OBJECTIVES OF THE EVALUATION**

The main objective of this evaluation is to provide the project partners i.e. DGTTF Global Programme, UNDP, GoS and UNODC, with an independent assessment of the key achievements of the project as compared to the objectives and outcomes reflected in the project document for the two years implementation period of the project. Assess the project expected outcomes and their sustainability and suitability for policy related review inputs and best practices. The evaluation results are envisaged to identify and discuss the lessons learned, through measurements of the changes in the set indicators, summarize the experiences gained and technical achievements, and recommend future policy dialogues.

**5. TASK AND SCOPE OF THE EVALUATION**

The scope of the evaluation will assess the overall achievement of the project during the two years implementation.

The following represents the minimum coverage of points to be included, but the evaluation should be adapted to specific concerns and issues that may be raised:

The mission will assess the:

a. Relevance of the project in terms of current development priorities and needs.

b. Clarity and realism of the project's development and immediate objectives, including specification of targets and identification of beneficiaries and prospects for sustainability.

c. Quality, clarity and adequacy of project design including:

• clarity and logical consistency between, inputs, activities, outputs and progress towards achievement of objectives (quality, quantity and time-frame);

• realism and clarity in the specification of prior obligations and prerequisites (assumptions and risks);

• realism and clarity of external institutional relationships, and in the managerial and institutional framework for implementation and the work plan;

• Likely cost-effectiveness of the project design.

d. Efficiency and adequacy of project implementation including:

• availability of funds as compared with budget for both DGTTF and nationally funded components (i.e. track co-financing);

• the quality and timeliness of input delivery by partners

• managerial and work efficiency;

• implementation difficulties;

• adequacy of monitoring and reporting;

• the extent of national support and commitment and

• the quality and quantity of administrative and technical support.

e. Project results, including a full and systematic assessment of outputs produced to date (quantity and quality as compared with the work plan and progress towards achieving the objectives).

f.. The mission should examine in particular:

• The degree to which project outputs have been defined based on adequate consultation with potential product users, and used and internalised by the national focal point institutions,

• The outcomes of the consultation processes used by the project,

• The scope for uptake by other related initiatives in the region,

g. Review the clarity of roles and responsibilities of the various agencies and institutions and the level of coordination and efficiency of partnership between relevant stakeholders. In particular look at the roles of the Project team, UNODC, UNDP and Government.

h. Assess the level of stakeholder involvement in the project and recommend on whether this involvement has been appropriate to the achieving goals of the project.

i. Describe and assess efforts of UNDP CO in support of the implementation.

j. Review donor partnership processes, and the contribution of co-finance.

k. Examine the potential of scaling up and replication of good practices from the project outcomes, identifying how will it be financed and, who will be responsible for financing and implementation.

Based on the above analysis the mission will draw specific conclusions and make proposals for any necessary further action by Governments, and UNDP and/or other partners, including any need for additional assistance and activities to support sustainability. The mission will draw attention to any lessons of general interest. Any proposal for further assistance should include precise specification of objectives and the major suggested inputs, outputs and outcomes.

**6. METHODOLOGY**

The terminal evaluation will be conducted in a participatory manner through a combination of processes including a review of the key project documentation, interview with project stakeholders and site visit as deemed necessary. It will include interviews with the UNDP Country Office, Project Executing Office/(former Project Manager), national project Director and other project beneficiaries as well as selected national partners and stakeholders, including interviews with key individuals both within the project, government staff, NGOs, private sector and project beneficiaries mainly legal professions and Bar association.. The following documents are recommended to be reviewed by the team:

• Project Document

• Project implementation reports (APR/PIR’s);

• Annual technical reports and work plans of the various implementation task teams;

• Mid Term Report, and

• Minutes of the project Steering Committee Meetings (if applicable)

• Reports of the studies undertaken by the project, etc.

**7. EXPECTED OUTPUTS**

The consultants shall provide the project partners and the UNDP with a comprehensive report with the following:

(i) Impacts and key project achievements identified and documented according to the project indicators

(ii) Project achievements and sustainability in relation to the project design

(iii) Relevance of the project achievements and the national policy development agenda

(iv) Efficiency and effectiveness of the project in terms of financial and planned activities

(v) Project shortcomings and lesson learned and policy review for integrating reforming and improving justice administration in Seychelles.

(vi) Clear and specific recommendations for future follow-up addressed to the stakeholders in the project.

**Outline for the Final Report**

**1. Executive summary**

• Brief description of project

• Context and purpose of the evaluation

• Overall rating of project performance against objective and outcome as well as project implementation, main conclusions, recommendations and lessons learned.

**2. Introduction**

• Purpose of the evaluation

• Key issues addressed

• Methodology of the evaluation

• Structure of the evaluation.

**3. The project(s) and its development context**

• Project start and its duration

• Problems that the project seeks to address

• Immediate and development objectives of the project

• Main stakeholders

• Results expected.

**4. Findings and Conclusions**

In addition to a descriptive assessment, all **criteria marked with (R) should be rated1** using the following UNDP six-point rating scale: Highly Satisfactory (HS), Satisfactory (S), Marginally Satisfactory (MS), Marginally Unsatisfactory (MU), Unsatisfactory (U), Highly Unsatisfactory (HU).

1 Please see guidelines

**4.1.Project Formulation**

• Conceptualization/Design (R). This should assess the approach used in design and an appreciation of the appropriateness of problem conceptualization and whether the selected intervention strategy addressed the root causes and principal threats in the project area. It should also include an assessment of the logical framework and whether the different project components and activities proposed to achieve the objective were appropriate, viable and responded to contextual institutional, legal and regulatory settings of the project. It should also assess the indicators defined for guiding implementation and measurement of achievement and whether lessons from other relevant projects (e.g., same focal area) were incorporated into project design.

• Country-ownership/Driveness. Assess the extent to which the project idea/conceptualization had its origin within national, sectoral and development plans and focuses on national environment and development interests.

• Stakeholder participation (R) Assess information dissemination, consultation, and “stakeholder” participation in design stages.

• Replication approach. Determine the ways in which lessons and experiences coming out of the project were/are to be replicated or scaled-up in the design and implementation of other projects (this is also related to actual practices undertaken during implementation).

• Other aspects to assess in the review of Project formulation approaches would be the consideration of linkages between projects and other interventions within the sector and the definition of clear and appropriate management arrangements at the design stage.

**4.2. Project Implementation**

An overall rating of project implementation employing the six-point rating scale (HS, S, MS, MU, U, HU) should be provided by the review.

• Implementation Approach (R). This should include assessments of the following aspects:

(i) The use of the logical framework as a management tool during implementation and any changes made to this as a response to changing conditions and/or feedback from M and E activities if required.

(ii) Other elements that indicate adaptive management such as comprehensive and realistic work plans routinely developed that reflect adaptive management and/or; changes in management arrangements to enhance implementation.

(iii) The project's use/establishment of electronic information technologies to support implementation, participation and monitoring, as well as other project activities.

(iv) The general operational relationships between the institutions involved and others and how these relationships have contributed to effective implementation and achievement of project objectives.

(v) Technical capacities associated with the project and their role in project development, management and achievements.

• Monitoring and evaluation (R). Including an assessment as to whether there has been adequate periodic oversight of activities during implementation to establish the extent to which inputs, work schedules, other required actions and outputs are proceeding according to plan; whether formal evaluations have been held and whether action has been taken on the results of this monitoring oversight and evaluation reports.

• Stakeholder participation (R). This should include assessments of the mechanisms for information dissemination in project implementation and the extent of stakeholder participation in management, emphasizing the following:

(i) The production and dissemination of information generated by the project.

(ii) Local resource users and NGOs participation in project implementation and decision making and an analysis of the strengths and weaknesses of the approach adopted by the project in this arena.

(iii) The establishment of partnerships and collaborative relationships developed by the project with local, national and international entities and the effects they have had on project implementation.

(iv) Involvement of governmental institutions in project implementation, the extent of governmental support of the project.

• Financial Planning: Including an assessment of:

(i) The actual project cost by objectives, outputs, activities

(ii) The cost-effectiveness of achievements

(iii) Financial management (including disbursement issues)

(iv) Co-financing 2

 Sustainability. Extent to which the benefits of the project will continue, within or outside the project domain, after it has come to an end. Relevant factors include for example: development of a sustainability strategy, establishment of financial and economic instruments and mechanisms, mainstreaming project objectives into the economy or community production activities.

• Execution and implementation modalities. This should consider the effectiveness of the UNDP/UNODC counterpart and Project Co-ordination Unit participation in selection, recruitment, assignment of experts, consultants and national counterpart staff members and in the definition of tasks and responsibilities; quantity, quality and timeliness of inputs for the project with respect to execution responsibilities, enactment of necessary legislation and budgetary provisions and extent to which these may have affected implementation and sustainability of the Project; quality and timeliness of inputs by UNDP/UNODC and the government, and other parties responsible for providing inputs to the project, and the extent to which this may have affected the smooth implementation of the project.

**4.3. Results**

• Attainment of Outcomes/ Achievement of objectives (R*):* Including a description *and rating* (employing the six-point rating scale) of the extent to which the project's objectives (environmental and developmental) were achieved using Highly Satisfactory (HS), Satisfactory (S), Marginally Satisfactory (MS), Marginally Satisfactory (MS), Unsatisfactory (U) and Highly Unsatisfactory (HU)ratings. If the project did not establish a baseline (initial conditions), the evaluators should seek to determine it through the use of special methodologies so that achievements, results and impacts can be properly established.

• This section should also include reviews of the following:

• Sustainability*:* Including an appreciation of the extent to which benefits continue, within or outside the project domain after DGTTF assistance/external assistance in this phase has come to an end.

• Contribution to upgrading skills of the national staff

**5. Recommendations**

 Corrective actions for the design, implementation, monitoring and evaluation of the project.

 Actions to follow up or reinforce initial benefits from the project.

 Proposals for future directions underlining main objectives.

**6. Lessons learned**

This should highlight the best practices and poor practices in addressing issues relating to relevance, performance and success.

**7. Evaluation report Annexes**

• Evaluation TORs

• Itinerary

• List of persons interviewed

• Summary of field visits

• List of documents reviewed

• Questionnaire used and summary of results

• Comments by stakeholders (only in case of discrepancies with evaluation findings and conclusions)

**8. EXECUTION ARRANGEMENTS**

The consultants should work closely with the UNDP office towards producing the evaluation report. He/she will be accountable for the timely submission of required outputs and submission of the deliverables, including the final report. The consultant will be contracted and supervised by the UNDP Country Office The Supreme Court shall arrange for the consultants all necessary meetings in the according to the TOR. UNDP country Office in coordination with the Supreme Court shall arrange logistics for the evaluation

**9. TIME FRAME**

The evaluation will be carried out through a period of 12 working day all based in Seychelles. The assignment will commence immediately after signature of contract and be completed before 31 December 2011.

**10. DELIVERABLES**

• Submit Draft report 2 weeks after start of assignment.

• Submit Final Report 1 week after receiving comments and feedback

**11. REQUIREMENTS OF THE EVALUATION TEAM**

A consultant is proposed to conduct the evaluation exercise: The National Consultant shall have experience and conversant with nation policy development. S/he should be well acquainted with general development and judicial issues in the Seychelles and have similar experience in conducting UNDP assessments and /or evaluations. Knowledge and experience in development issues related to Seychelles is a requirement. The national consultant must possess a minimum of 5 years experience doing consultancy work and posses a post graduate degree in social sciences or any related field.. The consultant should be fluent in English and Creole, and possess strong technical writing skills.

**12. REPORT ANNEXES**

• TORs

• • List of persons interviewed

• List of documents reviewed