Terms of Reference
For
The Evaluation of the “Preparatory Assistance Support to Capacity Development of the Judiciary in Zimbabwe” - 00070005

Background
The Judiciary in Zimbabwe is one of the central organs of the state primarily responsible for dispensing justice in the governance systems and mechanism of Zimbabwe responsible for upholding the rule of law, promoting and protecting human rights for all. Section 79 A of the Constitution of Zimbabwe bestows, on the courts in their hierarchy from the Supreme Court, the High Court, the Magistrates courts, the primary courts as well as the Specialised Courts, powers to adjudicate in matters of law, including interpretation and delivery of appropriate remedies.

The judiciary has however experienced significant challenges in delivering on its mandate and in its commitment to the observance, promotion and protection of human rights for all. The political, socio-economic challenges experienced in the broader Zimbabwean context have further exacerbated these challenges. Some of the notable challenges have been the brain drain on the human capital in the judiciary, obsolete and inadequate court equipment, the huge case backlog and the inability of courts to deliver timely judgements and the inadequacy of skills for delivery among others.

While the Judiciary in Zimbabwe has endeavoured to overcome these challenges through training of personnel, improvement of the working conditions and confidence building measures among others, these have not sufficiently addressed the shortcomings noted above. The absence of an independent budget vote from Treasury meant the administrative and financial needs of the Judiciary had to be conducted under the Ministry of Justice exacerbating the delays in implementing strategic initiatives.

Preparatory Assistance Support to Capacity Development of the Judiciary in Zimbabwe

The project commenced in September 2006 initially and was envisaged to end in March 2007. It was however mutually extended to December 2011 to accommodate the developments resulting from the changing operational context mainly the March 2007 elections, the resultant political contestation that led to SADC facilitated negotiations and the Global Political Agreement. During this period the context was very fluid and parties decided on the extension to allow for the preparatory assistance to build solid blocks for future cooperation.

The framework for operation was a signed Project Document (PD) but at the end of March 2007 when the PD lapsed, the partners adopted the CPAP and Annual work plan to replace the PD in line with the new UNDP Project Management Guidelines. The government of Zimbabwe through the Ministry of Justice and Legal Affairs was the executing entity while the Judiciary through the Office of the Chief Justice was the Implementing Partner. The project was implemented under the National Execution (NEX) modality.

Main areas of focus
The overarching strategic objective of the project was to contribute towards preparatory capacity building of the Judiciary to enable it to fulfil its mandate as laid out in the Constitution of Zimbabwe and applicable international and regional standards that Zimbabwe is party to. The thrust of this was to firstly provide the requisite tools of trade in the form of equipment and furniture for the judiciary to support the discharge of its mandate and secondly to support a comprehensive capacity assessment to fully ascertain the challenges and needs of the judiciary and develop strategic responses to address the same.

The project focused on five main areas which are:
a) Building capacity of the judiciary through provision of hardware equipment and legal information material to enable the judiciary to carry out its constitutional mandate,
b) Technical support of ratification and domestication of instruments Zimbabwe has not ratified
c) Comprehensive understanding of the challenges and needs of the Judiciary,
d) Capacity support to justice delivery service organs.

The target beneficiaries
The direct beneficiary of the intervention was the Judiciary while the general population of Zimbabwe were the ultimate beneficiaries of a strengthened and well-resourced Judiciary.

More specifically, the project targets the following: -

- All the Courts
- The Judicial officers
- Civil Society Organizations (CSOs); and
- The generation population of Zimbabwe as the court users

The project was managed through the establishment of an Advisory Group which later became a Steering Committee comprising Ministry of Justice, the Judiciary and UNDP which would meet regularly to monitor and review progress in the project implementation. Technical staff from the Judicial Service Commission and UNDP met regularly to discuss the implementation of the project.

Objectives of the evaluation
It is against this background that UNDP in conjunction with the Office of the Chief Justice are seeking the services of a National Consultant to carry out a Terminal Evaluation of this project. Overall, the evaluation aims to:

1. Assess the project design and its achievements against the activities, outputs and objectives outlined out in the programme frameworks and make recommendations,
2. Draw lessons that will guide the design of future interventions, in particular any successor project support to the Judiciary.
3. Assess the contribution of the project towards meeting UNDP’s commitment of support to the Government of Zimbabwe.

Scope of the evaluation
The scope of the evaluation is expected to cover UNDP, the Implementing Partner, the Judiciary, the Ministry of Justice and Legal Affairs, and the target beneficiaries of the project.

Relevance: the extent to which the activities designed and implemented were suited to priorities and realities

- Conduct a desk literature review of the GoZ “Preparatory Assistance Support to Capacity Development of the Judiciary in Zimbabwe”, including reviewing the past and present major GoZ priorities on justice delivery and access to justices as well as the promotion and protection of human rights and rule of law reforms on justice.
- Was the initial design of the project adequate to properly address the issues envisaged in formulation of the project and provide the best possible support to the Judiciary/GoZ? Has it remained relevant?

Effectiveness: the extent to which the project has achieved its intended outputs and objectives.
- Assess the progress towards the achievement of project outputs while highlighting the contributory factor to project success on a particular objective, or lack of it.
- To what extent has the project been able to deliver against its objectives?
- How effectively has the project been managed from an operational perspective?
- What key challenges have hampered the delivery of intended outputs?

**Efficiency:** measurement of the outputs in relation to the inputs.
- Analyse the extent to which the various project components have managed to synergise project impact through linkages in purpose and coordination.
- Was the structure and management of the project appropriate to achieving the desired objectives and intended results of the project? If not, what were the key weaknesses?
- Assess the accountability, planning and M&E systems and tools and make recommendations for their improvement, if necessary.
- Was UNDP support to the project appropriate to achieving the desired objectives and intended results? If not, what were the key weaknesses?
- Were the funds utilized as planned? If not, why?

**Sustainability:** assessment of the ability of supported activities and functions to continue after the project ends.
- Analyse and assess the effectiveness and challenges of the funds disbursement and procurement mechanisms and make recommendations on how these could be improved.
- Will the outputs delivered through the project be sustained by national capacities after the end of the project duration? If not, why?

**Partnerships:** the extent to which the project brings together relevant stakeholders to achieve project objectives.
- Assess whether women empowerment and gender mainstreaming was effectively taken on board, citing the strategies engaged.
- Have relationships with key partners functioned as planned and intended? If not, why?

In addition the terminal evaluation is expected to specifically address the following issues:

- The contribution of the project within the context of UNDP's commitments under the ZUNDAF, CPD and CPAP.
- Make recommendations on the alignment of project focus and design to the UNDP Corporate Strategy 2012-2015, RBA Strategy and Management Review and Zimbabwe Country Office strategic focus areas Support to democratic governance and the emerging policy thrust of the new Global Political Agreement's Inclusive Government;

**Expected outputs**
A comprehensive detailed evaluation report should be structured along the following lines:

1. Title
2. Table of contents
3. List of acronyms and abbreviations
4. Executive summary
5. Introduction
6. Description of the intervention
7. Evaluation Scope and Objectives
8. Evaluation Approach and Method
9. Analysis of Findings and Conclusions
10. Recommendations
11. Lessons learned
12. Annexes - in addition to the evaluation report, other products such as presentations of findings is requested including annexes detailing names of persons interviewed, documents reviewed, field visits, evaluation methodology, case studies & photographs, TOR's etc.,

In addition the following should be adhered to:
- The length of the report should not exceed 50 pages in total;
- The first draft of the report should be submitted within 2 weeks of completion of the mission;
- The draft should be submitted to UNDP and it will be circulated for comments to Office of the Chief Justice, Project Management and other key stakeholders.
- If there are discrepancies between the impressions and findings of the evaluation team and the aforementioned parties, these should be explained in an annex attached to the final report.

Methodology or evaluation approach
The evaluation exercise will be consultative and participatory, entailing a combination of comprehensive desk reviews, analyses and interviews. While interviews are a key instrument, all analysis must be based on observed facts to ensure that the evaluation is sound and objective. On the basis of the foregoing, the consultant will further elaborate on the method and approach in a manner commensurate with the assignment. The key inputs to the review should be as follows:
- An inception report outlining the consultant’s understanding of the task and the proposed methodology to undertake it
- Desk review of relevant documents (policy documents, project documents, censored official correspondence and reports)
- Interviews with key informants (implementing partners, communities, stakeholders)
- Field visits to where the project was undertaken
- Participatory techniques and other approaches for gathering and analysing data.

Documents to be reviewed
Some of the background documents to be reviewed as part of the evaluation include:
- UNDP Corporate Strategy 2008-2011
- Country Programme Action Plan (CPAP)
- Country Programme Document (CPD)
- Programme Support Document (PSD)
- “Preparatory Assistance Support to Capacity Development of the Judiciary in Zimbabwe”, project document
- Annual and quarterly reports and work plans for the duration of the project.
- Governance Evaluation Reports
- Key documents produced under the project.

Evaluation consultant
The evaluation consultant should have: At least a Master’s degree in Political Science, International Relations, Law, Social Sciences, Business Administration, Public Administration, Public Policy or related field. A PhD in a relevant field will be a distinct advantage, A minimum seven (7) years-experience in the
area of governance, Justice Delivery, Access to Justice, rule of law, human rights and, preferably with a focus on institutional capacity development and programme evaluation. Strong analytical and research skills with sufficient understanding of survey design, quantitative/qualitative methods and data analysis; Experience working in a multi-cultural diverse and dynamic environment is desirable, Knowledge and familiarity with of Parliamentary and UN systems will be an added advantage.

The evaluation consultant will be an individual who has at no point directly or indirectly associated with the design and implementation of any of the activities associated with the project. The individual should be a development consultant (governance specialist) with over 7 years development programme expertise and experience in the following areas of:
  - Participatory project design, management and implementation
  - Evaluation of development programmes and projects
  - Experience in governance, rule of law, international law and human rights
  - Qualification in development, social sciences or related fields.
  - Knowledge of the local environment
  - Knowledge of UNDP procedures and programme implementation strategies will be an added advantage.
  - Good writing skills
  - Computer literacy

Management arrangements

The consultant will work under the supervision of the Judicial Service Commission specifically the Deputy Secretary in consultation with UNDP.

Timeframe
The evaluation will be undertaken over a period of one (1) month from day of signing of contract as shown below.

Day 1-5: Briefing, desk review and submission of inception report
Day 6-18: Interviews and consultations
Day 19-21: Drafting report/PPT of key conclusions and recommendations
Day 22: PPT presentation of draft conclusions and recommendations to stakeholders
Day 23-24: Finalization and submission of report

Approved: [Signature]
28 Sep 2012