**TERMS OF REFERENCE**

**Evaluation of support to mobile court arrangements in post-conflict situations**

1. **BACKGROUND AND CONTEXT**

UNDP provides rule of law support to over 100 countries, including 37 crisis-affected and fragile situations. Particular attention is paid to 21 priority countries supported through the Global Rule of Law Programme (2008-2011) which provides support to the implementation justice and security programmes in those countries. Recently, UNDP launched the second phase (2012-2015) of the Global Programme (GP) “Strengthening the rule of law in crisis-affected and fragile situations”.

The rule of law programmes in countries supported by the GP are focusing on enhancing access to justice and improved justice and security service delivery, tackling impunity for sexual and gender-based violence (SGBV), strengthening security sector governance, and supporting transitional justice processes. This assistance responds to urgent needs for justice and security, and simultaneously lays the foundations for recovery and long term development. The GP also provides support to joint programmes with DPKO, UNHCR, UNODC and UN Women which continue to deepen impact on the ground where it is most needed, particularly in UN mission areas such as Haiti, Liberia, South Sudan and Timor-Leste.

Barriers to access justice exist in many societies but they are especially pervasive in conflict and post-conflict contexts. The administration of justice system might have been disrupted and the population displaced as a consequence of the conflict. Consequently, for many people the formal justice system is too far away. UNDP programmes assist people to find their through the justice system by supporting legal aid and by bringing justice closer to conflict-affected populations through the establishment of mobile courts.

Support to mobile courts is provided in the aftermath of conflict to provide population to access to justice and seek redress for their grievances. In some countries, support to mobile courts arrangements is provided in the context of the UN’s support to transitional justice processes.

UNDP provided support to mobile courts in several countries, including in DRC, Central African Republic, Sierra Leone, Guinea-Bissau and Timor-Leste. In some countries this support was provided jointly with DPKO, OHCHR as well as civil society organizations. UNDP is now conducting a study to evaluate the impact of the UNDP support provided to mobile court arrangements in countries supported by the Global Programme.

1. **EVALUATION PURPOSE**

The purpose of this evaluation is to assess the progress, achievements and lessons learned, including challenges faced with regard to the support to mobile courts’ systems in the framework of UNDP RoL programmes. The evaluation will review the impact of such activities and interventions at the sub-regional and national levels within the wider context of the technical and financial assistance provided by UNDP and its partners on RoL. In particular, the evaluation will measure the impact UNDP’s support regarding the facilitation of mobile court sessions and capacity development to bring justice closer to conflict-affected population and increase the access to justice of vulnerable people. In a second step, the evaluation will assess the impact of UNDP supported mobile court system for conflict-affected population to seek redress for their grievances and the consequences this might have for transitional justice and peace building and reconciliation efforts.

The findings and conclusions of this evaluation will help generate lessons learned and identify best practices and strategies for UNDP’s (and its partners) RoL programming in post conflict-countries and for the continued engagement of UNDP in supporting development of mobile court’s systems and their relevance for legal/justice programming post conflict transitions..

1. **EVALUATION SCOPE AND OBJECTIVES**

The evaluation will review components of RoL programmes supporting mobile courts project components in DRC, Central African Republic, Sierra Leone, Guinea-Bissau and Timor-Leste in terms of their contributions to improve access to justice for the conflict-affected population and increased justice service delivery at the sub-regional and national level in these countries. The evaluation will specifically focus on the mobile courts’ impact for the population i) to seek redress for their grievances and ii) the consequences this might have for transitional justice processes and iii) for peace building and reconciliation efforts. The evaluation will examine the relevance of mobile courts project components in the context of their contributions towards improved justice service delivery and capacity development of justice institutions.

Specific objectives of the evaluation are as follows:

* To assess the extent to which the mobile courts’ assistance interventions met their intended objectives and contributed to the achievement of outcomes/outputs;
* To systematically review the implementation modalities, capacity development efforts, knowledge management and considerations for access to justice for vulnerable groups including women and in particular survivors of sexual violence;
* To determine the extent to which support to mobile courts has contributed to increasing access to or decentralizing provision of justice services.
* The extent to which mobile courts contribute towards developing and strengthening long term national capacities and strategies;
* Assess the exit strategy for UNDP’s support to the mobile courts given their temporary nature
* To present key findings, generate lessons learned, and provide a set of clear and forward-looking recommendations for enhancing the quality of future engagement of UNDP and its partners in supporting mobile courts’ arrangements.

The evaluation will assess programme performance against the following criteria: relevance, effectiveness, efficiency and sustainability.

1. **EVALUATION QUESTIONS**

This paragraph includes suggested evaluation questions against the 5 criteria listed below:

1. **Relevance**

* To what extent do the mobile courts’ support interventions respond to the priorities outlined in the national development strategies (or similar plans/strategies)?
* How does the support for mobile courts’ arrangements contribute to the longer term development results in terms of approaches, capacities, policies and strategies in the Rule of Law/Justice provision.
* How well do programming mix and support modalities match the needs of the population and national partners?
* What has influenced UNDP’s decisions on where, how and to what extent to engage in supporting decentralization of justice service delivery through mobile courts assistance?
* What was the relevance of and possible synergies between mobile courts assistance and other priorities identified in the Rule of Law programmes and the cross-cutting areas of gender equality, capacity building and national ownership?

1. **Efficiency**

* Has the programme been implemented within its deadline and cost estimates?
* Did the mobile courts’ support interventions focus on the set of activities that were expected to produce significant results?
* Was there any identified synergy between UNDP-funded mobile courts’ support interventions and other similar interventions that contributed to reducing costs while supporting results?
* Has there been over expenditure or under expenditure of the mobile courts’ support interventions?
* Were there any unanticipated events, opportunities or constraints? Were the anticipated policy influences achieved? Did alternative ones emerge? What could be done differently in the future?
* Were there sufficient resources allocated towards achievement of the objectives of the mobile courts’ support interventions? How well did the mobile courts’ support interventions leverage non-core resources towards achievement of results?
* What effect did management and institutional arrangements have on the quality of mobile courts’ support interventions in terms of programming, delivery and monitoring for results? What measures were taken to assure the quality of development results and management practices, both in relation to process and products, and to partnership strategies? What monitoring and evaluation procedures were applied by UNDP and partners to ensure greater accountability?

1. **Effectiveness**

* Have the expected development (quantitative and qualitative) results been achieved and what were the supporting or impeding factors?
* Were the approaches, resources, models and conceptual frameworks relevant to achieve intended outcomes and outputs?
* What are the main lessons learned from the partnership strategies and what are the possibilities of replication?
* Were UNDP’s comparative advantages perceived/interpreted and were these reflected in the division of responsibilities?
* To what extent have interventions addressed transitional justice process and impunity of international crimes?
* Which aspects of the interventions had the greatest achievements? What have been the supporting factors? How can UNDP build upon or replicate these achievements?
* In which areas does the project component have the least achievements? What have been the constraining factors and why? How can they be overcome?
* Were the approaches, resources, models and conceptual frameworks used for mobile courts support relevant to the achievement of planned outcomes/outputs?
* What were the unintended results (positive/negative) of mobile courts assistance interventions?

1. **Sustainability**

* To what extent was the timeframe/timeline of support to mobile courts as an immediate measure to improve access to justice of the conflict-affected population taken into account?
* To what extent were sustainability considerations were taken into account in the design and implementation of interventions? How was this concern reflected in the design of the project component, in the implementation of activities at different levels, in the delivery of outputs and the achievement of outcomes?
* Were exit strategies for mobile courts’ support interventions appropriately defined and implemented, and what steps have been taken to ensure sustainability of results?
* How the development of partnerships at the global, regional and national level contributed to sustainability of the results?
* How different stakeholders been engaged in the design and implementation of mobile courts’ support interventions? Have interventions been implemented with appropriate and effective inter-agency and partnership strategies? What has been the nature and added value of these partnerships?

1. **METHODOLOGY**

Inception: Based on the indicative questions listed in the above section, project component and content specific questions will be elaborated further by the evaluation consultant in the inception report. The inception report should contain an evaluation matrix that displays for each of the evaluation criteria the questions and sub-questions that the evaluation will answer, and for each question, the primary and secondary data that will be collected.

Data collection: In view of the complexity of the evaluation, the consultant will seek to obtain data from a range of sources, including desk reviews and document analyses, surveys and questionnaires, stakeholder consultations, interviews and focus group discussions at UNDP Headquarters and in a range of programme countries, UN agencies, international organizations, and other relevant institutions. The rationale for using a range of data sources (data, perceptions, evidence) is to triangulate findings in a situation where much of the data, due to the very complex nature of interventions, is qualitative, and its interpretation thus critically dependent on the evaluators’ judgment. Triangulation provides an important tool in filtering evidence by using different data sources to inform the analysis of specific issues. The evaluators will provide empirical evidence to support all conclusions and recommendations, and the evidence will be validated from multiple sources. Where possible and appropriate, the evaluation should seek to obtain evidence as to what might or might not have occurred in the absence of these interventions. A three-phased approach will be adopted in conducting the evaluation:

**Frist phase (Initial briefings/ meetings in New York and desk reviews):**

During this phase, the Evaluation consultant will conduct a desk review of relevant project documents and related documentation such as routine monitoring reports, project progress reports, and relevant review and evaluation reports, other analytical studies. The desk review will enable the consultant to: i) examine the quality of results baselines and indicators established for the projects; ii) assess the adequacy of the response strategies as reflected in the results framework; iii) review the quality of project baselines and indicators as well as existing monitoring mechanisms and resources (financial and human), and iv) conduct an initial assessment of progress towards results and/or impact as reflected in available progress reports. During the first two weeks of this phase the Evaluation Consultant will participate in briefings and meetings in UNDP and other UN agencies based in New York and interviews with the members of the Evaluation Reference Group. Within the first two weeks of the assignment the Evaluation Consultant will submit the inception report, describing the methodological/analytical framework for the evaluation and overall timeframe.

**The second phase (country visits):**

The in-country evaluations will require extensive review of existing documentation with particular attention to evaluations and studies, consultations with senior and operational managers and field staff, as well as consultations/interviews with a sample of beneficiaries. This will also include review of existing UNDP programme evaluations and assessments, studies, research and evaluations conducted by other development partners, and other relevant documentation. The Evaluation Consultant will conduct individual country visits to validate the documentary data against actual results on the ground. The focus will be to triangulate information from documents and interviews by gathering objective data on key achievements and areas for improvement. At the end of each country visit, the Evaluation Consultant is expected to present initial findings to the concerned country offices for validation of factual information and findings.

**The third phase (finalizing reports):**

The third phase of the evaluation will include finalization of the evaluation report, presentation of its findings to the Evaluation Reference Group and dissemination of lessons learned through existing UNDP mechanisms. The report should specifically highlight key lessons learned and good practices that could be replicated in future programs.

1. **EVALUATION PRODUCTS (DELIVERABLES)**

* Inception report— detailing the evaluators’ understanding of what is being evaluated and why, showing how each evaluation question will be answered by way of: proposed methods, proposed sources of data and data collection procedures. The inception report will also include a proposed schedule of tasks, activities and deliverables, designating a team member with the lead responsibility for each task or product;
* Draft evaluation report; and
* Final evaluation report.

1. **REQUIRED COMPETENCIES AND QUALIFICATIONS**

The evaluation consultant will be externally recruited through UNDP’s regular recruitment procedure. He/she should be independent from any organizations that have been involved in designing, executing or advising any aspect of interventions that are the subject of this evaluation.

The evaluation consultant must have demonstrated capacity to think strategically, provide policy advice and manage the evaluation of the global programmes. He/she is expected to have extensive knowledge of issues relating to organizational and institutional change, the UN reform process, principles of results-based management, and should be familiar with the on-going debate on the issues of ROL.

The following are some of key competencies and qualifications for the selection of the team members:

Competencies:

* Superior leadership and strategic management skills with an excellent understanding of international development issues and knowledge of the UN system;
* Strong written and verbal communication skills, in a multi-cultural setting; ability to conduct results-based management and reporting, objectivity and ability to analyze large multi-country data sets in short period;
* Experience working collaboratively in small teams with tight deadlines.

Qualifications:

* Masters or PhD in law or other relevant fields;
* At least 7 years of international development experience or well established and well-functioning organization with at least 5 years of experience in project/programme design and implementation;
* Relevant professional experience in evaluation of rule of law or other relevant programmes – at national, regional, and global levels
* Strong monitoring and evaluation background, sound methodological skills and knowledge of evaluation methods and techniques;
* Extensive experience in working with the UN/multilateral development agencies, UNDP country offices and/or regional centres is an asset;
* Fluency in English with good verbal and written skills.

1. **EVALUATION ETHICS**

The evaluation will be conducted in accordance with the principles outlined in the UNEG “Ethical Guidelines for Evaluation” and evaluators must address, in the design and implementation of the evaluation critical issues, critical issues including evaluation ethics and procedures to safeguard the rights and confidentiality of information providers, such for example: measures to ensure compliance with legal codes governing areas such as provisions to collect and report data, particularly permissions needed to interview or obtain information about children and young people; provisions to store and maintain security of collected information; and protocols to ensure anonymity and confidentiality.

1. **IMPLEMENTATION ARRANGEMENTS**

The ROL Team and the Monitoring and Evaluation team (M&E) of the Bureau for Crisis Prevention and Recovery (BCPR) will jointly manage the evaluation process and ensure the coordination and liaison with concerned agencies at the headquarter level as well as the country level. An Evaluation Reference Group will be established at the outset of the evaluation, consisting of key stakeholders and partners, i.e. focal points/representative from UN agencies, multilateral development banks (the World Bank), academia, as well as client countries’ representatives and implementing partners. The Reference Group will play an important role in providing strategic, methodological and substantive inputs into the evaluation process, as well as feedback on the inception and final evaluation report. In addition, the reference group will ensure that the evaluation results are appropriately disseminated and discussed within their respective organizations.