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Terms of Reference For

The Evaluation of the Support for the strengthening of the promotion and protection of Human Rights and Rule of Law through enhanced capacity of institutions in the Ministry of Justice and Legal Affairs- 00070004

1. Background

Zimbabwe is committed to the observance, promotion and protection of human rights for all. In this regard Zimbabwe has ratified and acceded to key international, regional and sub-regional standard on human rights. Zimbabwe has submitted initial reports for most of the ratified treaties but the challenge remains in submitting the periodic and follow up reports.

There are notable treaties to which Zimbabwe is not yet party such as the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and its Operational Protocol; The two Optional Protocols to the International Covenant on Civil and Political Rights; The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women; and the two Optional Protocols to the Convention on the Rights of the Child

In addition, there has not been full domestication of the treaties ratified although some national laws passed in Parliament of Zimbabwe have incorporated some provisions as contained in international treaties. The Constitution of Zimbabwe contains a bill of rights which enshrines some of the civil and political rights outlined in the UDHR and the ICCPR.

In 1993, a Cabinet Resolution of the Government established the Inter-ministerial Committee on Human Rights and International Humanitarian Law (IMC). Its mandate was to assist the Government in drafting state party reports that become due to treaty monitoring bodies as well as advise the Government on ratification and domestication of other treaties. .

The absence of oversight institutions to police the observance of human rights promotion and protection led the Government of Zimbabwe to initiate, through a constitutional amendment, a process to establish a National Human Rights Institution. This institution was meant to the existing institutions such as the Ombudsman and the IMC in dealing with complaints of human rights violations.

Significant challenges have been witnessed in the efforts toward the promotion and protection of human rights. These have included limited capacity in Government institutions, inadequate resources, high staff turnover and brain drain as well as perceptions of lack of neutrality.

Support for the strengthening of the promotion and protection of Human Rights and Rule of Law through enhanced capacity of institutions in the Ministry of Justice and Legal Affairs

The project commenced in January 2004 to end initially in December 2008 but was extended to December 2011. The framework for operation was a signed Project Document (PD). At the end of 2008, which marked the end date indicated in the PD, the partners adopted the CPAP and Annual Work Plan as a replacement of the PD in line with the new UNDP Project Management Guidelines.

The Government of Zimbabwe through the Ministry of Justice and Legal Affairs, Civil Society Organisations and other national stakeholders, with technical and financial support from UNDP, implemented the project under the National Execution (NEX) modality.

2. Main areas of focus

The overarching strategic objective of the project was to work with the Government of Zimbabwe (GOZ) to contribute towards strengthening human rights, good governance and the rule of law through capacity building and informed policy dialogue with all stakeholders (state institutions, Civil Society Organizations (CSOs), in Zimbabwe. UN agencies and donors were cooperating partners on this project.

The project focused on five main areas which are:

- a) Building capacity of institutions like the IMC in order to prepare and submit state party reports
- b) Technical support on ratification and domestication of instruments Zimbabwe has not ratified
- c) Support engagement toward the establishment of a National Human Rights Institution
- d) Capacity support to justice delivery service organs
- e) Support human rights mainstreaming in UN agencies as they collaborate with the GoZ Institutional strengthening.

3. The target beneficiaries

The beneficiaries of the intervention were the general population of Zimbabwe with a multiplier effect through support to the GoZ to protect and promote human rights. In particular, state institutions were envisaged to be the direct addressees of the proposed activities. Civil Society Organizations were also indirect targets.

More specifically, the project targets the following: -

- State Institutions, such as the IMC, the Zimbabwe Prison Service the National Committee on Community Service; Parliament, in particular the Parliamentary Thematic Committee on Human Rights
- Government ministries and departments, and
- Civil Society Organizations (CSOs).

The project was managed through the establishment of a Steering Committee comprising Government of Zimbabwe and UNDP which would meet quarterly to monitor and review progress in the project implementation. Technical staff from Ministry of Justice and Legal Affairs and UNDP meet regularly to discuss the implementation of the project.

4. Objectives of the evaluation

It is against this background that UNDP in conjunction with the Ministry of Justice and Legal Affairs are seeking the services of a consultant to carry out a Terminal Evaluation of this project. Overall, the evaluation has the following four aims:

- Assess the project design and its achievements against the intended objectives and outputs
- Examine whether the activities, outputs and objectives lined out in the programme document have been achieved and make recommendations on the way forward.
- Draw lessons that will guide the design of future interventions, in particular a successor project support for supporting and strengthening the human rights architecture and enhance knowledge sharing.
- Assess the contribution of the project towards meeting UNDP's commitment of support to the Government of Zimbabwe.

5. Scope of the evaluation

The scope of the evaluation is expected to cover UNDP, the implementing Ministry, CSOs contracted as responsible parties, and the target beneficiaries from the project.

The terminal evaluation is expected to specifically address all the following issues:

- Conduct a desk literature review of the GoZ Support for the strengthening of the promotion and protection of Human Rights and Rule of Law through enhanced capacity of institutions in the Ministry of Justice and Legal Affairs Programme documentation, including supporting frameworks and statutory instruments
- Briefly review the past and present major GoZ priorities on the promotion and protection of human rights and rule of law reforms and relevance of the project objectives, outputs and outcomes, as outlined in the Government priorities/ frameworks.
- 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.
- Assess the effectiveness of the project design in terms of depth and breadth vis-a-vis the beneficiaries' needs and the capacities of local authorities, the implementing ministry and UNDP to deliver on the intended objectives.
- Analyse the extent to which the various project components have managed to synergise project impact through linkages in purpose and coordination.
- In particular, assess whether the women empowerment and gender mainstreaming component was effectively taken on board, citing the strategies engaged.
- Analyse and assess the effectiveness of the institutional arrangements for project implementation.
- Assess the accountability, planning and M&E systems and tools and make recommendations for their improvement, if necessary.
- Analyse the linkages between the project and other projects that are implemented in the government ministries and the synergies that have been generated towards meeting international obligations on human rights, the capacity to report to treaty bodies and the effectiveness of domestication and ratification efforts.
- Analyse and assess the effectiveness and challenges of the funds disbursement and procurement mechanisms and make recommendations on how these could be improved.
- Assess 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;

6. Expected outputs

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

1. Executive summary
2. Introduction
3. The project and its development context
4. Findings and Conclusions
 - 4.1 Project formulation
 - 4.2 Implementation
 - 4.3 Results
5. Recommendations
6. Lessons learned
7. 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: -

- parties, these should be explained in an annex attached to the final report

7. Methodology or evaluation approach

- The key elements of the methodology to be used by the consultants will consist of the following:
- Desk review of relevant documents (policy documents, project documents and reports)
- Interviews with key informants (implementing partners, communities, stakeholders and development partners)
- Field visits of local authorities and communities where the project was undertaken
- Participatory techniques and other approaches for gathering and analyzing data.

8. Documents to be reviewed

- Some of the background documents to be reviewed as part of the evaluation include:
- UNDP Corporate Strategy 2008-2011
- UNDP RBA Strategy and Management Review May 2006
- ZUNDAF 2000- 2004 and ZUNDAF 2007-2011
- CPAP
- CPD
- PSD
- Support for Strengthening of the promotion and protection of Human Rights and Rule of Law through enhanced capacity of institutions in the Ministry of Justice and Legal Affairs project document
- Quarterly, annual reports and work plans for the duration of the project.
- Governance Evaluation Reports
- Key documents produced under the project.

9. Evaluation consultant

The Consultant will be a national consultant. The evaluation consultant should have:

- At least a Masters 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 ten (10) years-experience in the area of governance rule of law human rights and, preferably with a focus on institutional capacity development and programme evaluation, Experience working in a multi-cultural diverse and dynamic environment is desirable,
- Knowledge and familiarity with 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 10 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

10. Duration of Assignment

The evaluation will be undertaken over a period of 30 days spread over one month from day of signing of contract as shown below.