



Terms of Reference for Outcome Evaluation

UNDP Iraq

CPAP Outcome 2: Enhanced rule of law, protection and respect for human rights in line with international standards.

A. INTRODUCTION

Background

The growing demand for development effectiveness is largely based on the realization that producing good “deliverables” is simply not enough. The relevance of efficient or well-managed development projects and outputs is their ability to yield discernible improvements in development conditions and ultimately in people lives. Being a key international development agency, the United Nations Development Programme (UNDP) has been focusing on achieving clearly defined results. This has been pursued in recent times through results-based management (RBM) approach.

As part of its efforts in enhancing RBM, UNDP has shifted from traditional activity-based project monitoring and evaluation (M&E) to results-oriented M&E, especially outcome M&E that covers a set of related programmes, projects, and partnership strategies intended to achieve a defined outcome. An outcome evaluation assesses how and why an outcome is or is not being achieved in a given country context, within a timeframe and the role UNDP and other partners have played in this regard. Outcome evaluations will help to validate UNDP’s contribution to development results, promote quality assurance and accountability of UNDP as an organization, and generate learning on substantive matters to enhance UNDP’s programming. Outcome evaluations also help to clarify underlying factors affecting the situation, highlight unintended consequences (positive and negative), generate lessons learned and recommend actions to improve performance in future programming.

Brief National Context Related to the Outcome

Democratic governance is increasingly recognized as an important goal for ensuring stability for wealth creation to reduce poverty, attaining sustainable human development and achieving the Millennium Development Goals (MDGs). The current National Development Plan (NDP) and the United Nation Development Assistance Framework (UNDAF 2011-2014) enunciate this connection by indicating democratic governance as one of the five priorities of the Government of Iraq. That includes promotion and protection of human rights, access to justice, Rule of Law improving access to rights and entitlements, and women empowerment.

UNDP's strong commitment to the Millennium Declaration and fulfilment of the MDGs are consistent with the priorities of the Government of Iraq, including promotion of human rights and access to justice. Indeed, promotion of human rights must be emphasized if the MDGs are to be achieved in a sustainable manner through the empowerment of the citizenry, especially the poor and vulnerable to demand accountability from leadership at all levels.

The judicial system is making progress towards international and regional norms through exposure to best practices and implementation of a number of pilot models and processes. Measuring changes in the judicial capacity over a one year period as a more transparent, accountable and effective justice system is rendered difficult as these changes are systemic which require long term sustained efforts. However, evidence suggests there has been an increase in automation of court systems (3 pilot courts using the case management system), access to legal information (Iraqi Legal Database which includes 36,600 legal articles, elaboration of 6 indexes and selected 4,200 court decisions, correction of documentation which included 1,800 court decisions, 18,000 legal texts and a thesaurus) and training of key judicial staff. Access to justice in Iraq has been enhanced throughout the country through communication and awareness raising and the establishment of legal empowerment schemes with focus on violence against women. In KRG more than 2,000 individuals have benefitted from free legal counsel and court representation.

Gender based violence is increasingly recognized as a pressing issue for women's security and development in Iraq, as evidenced by the passing of the Domestic Violence Bill in KRG and the establishment of family protection units within the Ministry of Interior.

The foundations for enhancing Human Rights in Iraq set by Law no. 53 – 2008 established the autonomous High Commission for Human Rights. In 2011, following two years of delay, the Council of Representatives have established the Committee of Experts and the Secretariat to initiate the selection of commissioners which is the first step to operationalise the autonomous High Commission of Human Rights.

The capacity development and advisory support extended by UNDP is considered vital and necessary for further enhancement of the judicial and human rights systems in Iraq. In particular, UNDP's global experience and networks have been utilized to expose and support the Iraqi Judicial and Human Rights institutions. UNDP's capacity development experience for systems and institutions is also recognized in the judicial and human rights areas as a key factor of success and sustainability. This institutional capacity development approach, combined with a presence at the grass root level enables UNDP to intervene at all levels and stages of the judicial process, thus making the organization uniquely placed to reform the judicial system in depth.

In line with the national priorities, the UNDP programming for 2011-2014 has a component indicative of promoting human rights, the rule of law and access to justice through a human rights based approach.

Programme Overview

As part of the Secretary-General's 1997 Reform Programme to make the UN a more effective and efficient institution, UNDP continues to work within the framework of an Integrated Mission in Iraq United Nations Assistance Mission for Iraq (UNAMI), and UNAMI's mandate was renewed by Security Council Resolution 2001 on 28 July 2012 for another year. The Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) have become the primary tools to facilitate a common programming framework for all UN agencies at the country level.

The first Iraq UNDAF (2011-2014) is substantively linked with the first Country Programme Document (CPD) of UNDP as well as the programmes of other UN agencies in Iraq, ensuring that all UNDP's programmes are consistent with UNDAF outcomes.

The first Country Programme Action Plan (CPAP) 2011-2014 for Iraq is developed so as to operationalise the Country Programmes and to establish the commitments, particularly of resources, of the UN agencies and the government. The Government of Iraq and UNDP Iraq are in mutual agreement on content of the CPAP and their responsibilities in the implementation of the Country Programme.

In line with the UNDAF, the human rights component of the UNDP Programme entails strengthening the rule of law and access to justice through the human rights based approach. Therefore, the CPAP envisages that UNDP will “**Enhanced rule of law, protection and respect for human rights in line with international standards**”.

Thus, UNDP is currently working with the following partners in achieving development results in the area of access to justice and human rights protection:

- Higher Judicial Council (HJC);
- Kurdistan Judicial Council (KJC);
- Iraqi Judicial Training Institute (JTI);
- Judicial Development Institute (JDI);
- Judicial Investigations Offices (JIOs);
- Ministry of Justice (MoJ);
- Ministry of Interior (MoI);
- Ministry of Labour and Social Affairs (MoLSA);
- Legal Aid Scheme;
- Iraqi High Commission for Human Rights (IHCHR);
- Family Protection Support;
- Small Arms and Light Weapons;
- Law Enforcement Capacity Build; and
- Prisons Monitoring.

The support to these institutions, mainly through capacity development activities, focus on the following: wider application of the justice delivery process; expansion of points of access to justice; an improved environment for compliance with

international human rights principles; raised awareness of human rights and increased compliance with national and international instruments on Human Rights.

Outcome to be evaluated

According to the evaluation plan of the UNDP Country Office in Iraq, an outcome evaluation will be conducted towards the end of 2012 for the following outcome, which is stated in the CPAP of UNDP Iraq: **“Enhanced rule of law, protection and respect for human rights in line with international standards”**. A detailed results framework for the outcome is summarized below:

Intended Outcome:

Enhanced rule of law, protection and respect for human rights in line with international standards.

Outcome Indicators, Baselines and Targets:

1. % of courts that have court administration harmonized to minimum international standards (2010:0%; 2014: 15%).
2. A system to map the backlog of civil and criminal cases developed (2010: no; 2014: yes).
3. % of registered cases with the family response units with legal proceedings initiated (2010: 0; 2014: 50%).
4. Number of proposals and recommendations concerning Iraq's accession to international human rights treaties and conventions submitted (2010: 0; 2014: 5).
5. Referral system for the High Commission for Human Rights in line with International Human Rights Standards is functional (2010: No, 2014 : Yes).
6. Review of security sector conducted and presented to the GOI (2010: no; 2014: yes).
7. Database of small arms and light weapons created and managed (2010: no; 2014: yes).

B. OBJECTIVES OF THE EVALUATION

The outcome evaluation shall assess the following:

- (i) *Outcome analysis* – Evaluate the progress that has been made towards the achievement of the outcome in Iraq since 2009 (including contributing factors and constraints);
- (ii) *Output analysis* - Determine contributing factors and impediments and extent of the UNDP contribution to the achievement of the outcomes

- through related project outputs (including an analysis of both project activities and soft-assistance activities¹);
- (iii) *Output-outcome link* - Assess the contribution UNDP has made/is making to the progress towards the achievement of the outcome; and
 - (iv) *Assess partnership strategy* in relation to outcome.

The results of the outcome evaluation will be used to guide future programming. In this regard the evaluation will:

- Identify strengths and weaknesses in the current Programme/Projects in respect of the stated outcome.
- Extract lessons and best practices for futures interventions
- Propose better ways of coordinating donor interventions in the sector
- Identify priority areas of focus for future programming.

C. SCOPE OF THE EVALUATION

Geographic Focus

The evaluation should cover the regional and governorate dimensions of the country.

Outcome Analysis

- What is the current situation and possible trend in the near future with regard to the outcome?
- Whether sufficient progress has been achieved vis-à-vis the outcome as measured by the outcome indicators?
- To what degree UNDP's projects have incorporated the cross-cutting themes i.e. gender?
- To what degree UNDP assistance has resulted in the development of national capacity, including assessment of performance monitoring and evaluation mechanisms?
- What are the main factors (positive and negative) that affect the achievement of the outcome?
- Whether the outcome indicators chosen are sufficient to measure the outcome?
- To what extent are synergies in programming such as partnerships, including among various UNDP programmes, related to the relevant outcome?
- Relevance of the outcomes, taking into account the changes in environment and other situational (including policy) factors.

Output Analysis

- Whether or not the UNDP outputs are still relevant to the Outcome?
- Whether or not sufficient progress has been made in relation to the UNDP outputs?
- What are the factors (positive and negative) that affect the accomplishment of the Outputs?
- To what extent the human rights and access to justice issues have been addressed and promoted in UNDP's activities; i.e. whether UNDP activities have improved stakeholders involvement in this area and other related concerns in Iraq?

¹ For UNDP, soft assistance activities include advocacy, policy advice/dialogue, and facilitation/brokerage of information and partnerships.

- To what extent UNDP's ability to advocate best practices and desired goals; UNDP's participation in national debate and ability to influence national policies on human rights?
- Identify further areas of UNDP intervention.
- Analyze outputs achieved in relation to the involvement of targeted beneficiaries, particularly women and other vulnerable groups. To what extent UNDP supported programme has increased their capacity to fully access to justice and their rights?
- To what extent gender equality is mainstreamed in UNDP interventions?

Output-Outcome Link

- Whether UNDP's outputs or other interventions can be credibly linked to the achievement of the outcome (including the key outputs, projects and assistance soft and hard that contributed to the outcome);
- What are the key contributions that UNDP has made/is making to the outcome (e.g. piloting new technologies, developing pricing schemes, drafting energy efficiency standards)?
- What has been the role of UNDP soft-assistance activities in helping achieve the outcome?
- With the current planned interventions in partnership with other actors and stakeholders, will UNDP be able to achieve the outcome within the set timeframe and inputs – or whether additional resources are required and new or changed interventions are needed?
- Whether UNDP's partnership strategy has been appropriate and effective. Has UNDP been able to bring together various partners across social, ethnic and sectoral lines to address human development and human security concerns in a holistic manner?
- Assess UNDP's ability to develop national capacity in a sustainable manner (through exposure to best practices in other crisis-affected countries, south-south cooperation, holistic and participatory approaches). Has UNDP been able to respond to changing circumstances and requirements in capacity development?
- What is the prospect of the sustainability of UNDP interventions related to the two outcomes? Can it be ensured that the outcomes will be reached and maintained even after the UNDP interventions?

Partnerships Analysis

- Examine the partnership among UN Agencies and other donor organizations in the relevant field: What partnerships have been formed? What has the role of UNDP been? What has the level of stakeholders' participation been?
- To what extent there is consensus among UNDP actors, partners and stakeholders on the partnership strategy?
- To what extent UNDP's partnership strategy has been appropriate and effective; UNDP's capacity with regard to management of partnerships; UNDP's ability to bring together various partners across sectoral lines to address governance concerns in a holistic manner?
- How partnerships have been formed and how they performed?
- How the partnership affected the achievement of or progress towards the Outcome?

D. METHODOLOGY AND EVALUATION APPROACH

An overall guidance on outcome evaluation methodology can be found in the [UNDP Handbook on Planning, Monitoring and Evaluating for Results](#) and the [UNDP Guidelines for Outcome Evaluators](#). In addition, [UNDP's Evaluation Policy](#) provides information about the role and use of outcome evaluation within the M&E architecture of the organization. The evaluators should come up with a suitable methodology for this outcome evaluation based on the guidance given in these three documents. It is suggested that the evaluators make the evaluation process participatory through consultations with key stakeholders in order to utilize existing information, examine local sources of knowledge and to enhance awareness about and mainstreaming results-based management.

During the outcome evaluation, the evaluators are expected to apply the following approaches for data collection and analysis:

- Desk review of relevant documents and database sites (project documents with amendments made, progress reports review reports – mid-term, final, donor-specific, audit and financial);
- Discussions with Senior Management and relevant programme staff of UNDP;
- Consultations with relevant central and other government representatives/implementing partners involved with the UNDP projects and all other relevant initiatives at national level;
- Consultations with all relevant donors, UN agencies, national and international non-governmental organizations engaged in development work in Iraq;
- Field visits to selected project sites and discussions with government officials at different levels;
- Interviews/focus group discussion with and participation of partners and beneficiaries, including women's groups and other stakeholders;
- Use of interviews, field visits, focus group discussion, questionnaires and meetings to validate information about the status of the outcome, including local sources of knowledge about factors influencing the outcome;

E. EVALUATION TEAM

Members of the mission must not have been associated with the project/programme formulation, implementation or monitoring. It is proposed that an international consultant leads the mission, assisted by a senior national consultant.

The international consultant will be the Team Leader and should have an advanced university degree and at least ten years of work experience with evaluation of development issues in crisis-affected countries.

The Team Leader is expected to be a professional 'evaluator' with substantive knowledge about results-based management (RBM) and results-oriented monitoring and evaluation. S/he will take the overall responsibility for the quality and timely submission of the evaluation report to the UNDP Country Office.

Specifically, the Team Leader will perform the following tasks:

- Lead and manage the evaluation mission;
- Design the detailed evaluation scope and methodology (including the methods for data collection and analysis) for the outcome;
- Decide the division of labour within the evaluation team;
- Conduct analyses of the outcomes, outputs and partnership strategies for the outcome;
- Draft related parts of the evaluation report; and
- Finalize the whole evaluation report.

The senior national consultant should have advanced university degrees and at least five years work experience in the areas of evaluation. Each consultant should have sound knowledge and understanding of local development in Iraq, and have experience in conducting evaluation. S/He will perform the following:

- Review documents;
- Act as 'translator' (Arabic to English and vice versa) for the international consultant, as necessary;
- Participate and contribute to the design of the evaluation methodology;
- Undertake field visits in UNDP Iraq portfolio areas in the north, central and south;
- Undertake observation and other evaluative activities as required by the agreed evaluation methodology;
- Draft related parts of the evaluation report under the guidance of Team Leader;
- Assist Team Leader in finalizing the evaluation report through incorporating suggestions received on draft related to his/her assigned sections.

Proposed Evaluation Mission Schedule (65 working days between 15th Feb 2012 to 30th Nov 2013)

Activity	Timeframe	Deadline	Payment
Desk review, Evaluation design and workplan (Inception report)	10 days	10 th Mar 2012	20%
Field visits, interviews with partners, and key stakeholders	25 days	30 th Apr 2013	0%
Drafting of the evaluation report	10 days	25 th Jun 2013	30%
Debriefing with UNDP	3 days	1 st Aug 2013	0%
Debriefing with partners	3 days	25 th Sep 2013	0%
Finalization of the evaluation reports (incorporating comments received on first draft)	14 days	30 th Nov 2013	50%
Total No. of Working Days	65 days		100%

F. KEY DELIVERABLES

- 1) An Inception report
- 2) Debriefing of UNDP and partners
- 3) Draft evaluation report
- 4) **A comprehensive analytical report** in English – the key product expected from this outcome evaluation includes the following contents:
 - Executive summary (1-2 pages)
 - Introduction (1 page)
 - Description of the evaluation methodology (6 pages)
 - An analysis of the situation with regard to the outcome, the outputs, and the partnership strategies (15-20 pages)
 - Analysis of salient opportunities to provide guidance for future programming in relation to the outcome (8-10 pages)
 - Key findings, including lessons learned and best practice (5-6 pages)
 - Conclusions and recommendations (2-3 pages) and
 - Annexes: ToR, charts, field visits, people consulted, documents reviewed, etc.

The tentative page numbers serve only as a guide for the Evaluation Team. However, it is expected that the report **will not exceed 80 pages**, including annexes.

Key documents to be reviewed by the Evaluators

The evaluators will need to study the following documents in addition to project documents, project monitoring reports, project evaluation reports, programme evaluation reports, audit reports and annual work-plans etc.:

- UNDP Handbook on Planning, Monitoring and Evaluating for Results
- UNDP Guidelines for Outcome Evaluators
- UNDP Results-Based Management: Technical Note
- The International Compact with Iraq, 2007
- The National Development Plan (2010-2014)
- UNDP Country Programme Document (CPD) for Iraq (2011-2014)
- UNDP Country Programme Action Plan (CPAP) for Iraq (2011-2014)
- The Common Country Assessment 2009 & the Iraq UNDAF 2011-14
- Other national policies, strategies and plans related to the outcome

G. REPORTING

The consultant(s) will be reporting directly to UNDP's Head of Programme Management Support Unit (PMSU), who leads the evaluation function.

H. DURATION OF ASSIGNMENT

The assignment should be executed within a period of five months (65 working days).