**INDIVIDUAL CONSULTANT PROCUREMENT NOTICE / TERMS OF REFERENCE**

**Description of the assignment: Mid Term Evaluation of JHRA Project Phase II (International Consultant)**

**Project title: Justice and Human Rights in Afghanistan**

**Period of assignment/services (if applicable): 43 working days (19 days home-based and 24 workdays at duty station; based upon a 6 day work week)**

Proposal should be submitted through the UNDP Jobs site no later than 19 May 2014.

**Budget available for this IC:  *(only for internal purposes, this detail must not be published)***

1. **BACKGROUND**

**UNDP Afghanistan Mission Statement:**

UNDP supports stabilization, state building, governance and development priorities in Afghanistan. UNDP support, in partnership with the Government, the United Nations system, the donor community and other development stakeholders, has contributed to institutional development efforts leading to positive impact on the lives of Afghan citizens. Over the years UNDP support has spanned such milestone efforts as the adoption of the Constitution; Presidential, Parliamentary and Provincial Council elections; institutional development through capacity-building to the legislative, judicial and executive arms of the state, and to key ministries, Government agencies and commissions at the national and subnational levels. UNDP has played a key role in the management of the Law and Order Trust Fund, which supports the Government in developing and maintaining the national police force and in efforts to stabilize the internal security environment. Major demobilization, disarmament and rehabilitation and area-based livelihoods and reconstruction programmes have taken place nationwide. UNDP Programmes in Afghanistan have benefited from the very active support of donors. UNDP Afghanistan is committed to the highest standards of transparency and accountability and works in close coordination with the United Nations Mission in Afghanistan and the UN system as a whole to maximize the impact of its development efforts on the ground.

**Organizational Context:**

Afghanistan’s justice system faces extraordinary challenges. Justice sector infrastructure has often been destroyed or damaged by fighting or decay during the years of conflict and a large number of Afghanistan’s courthouses are in need of construction or rehabilitation. Legal professionals are very often the victims of violence by insurgent groups who target them as agents of the state. Threatening of justice officials, particularly in the less secure regions of the country is absolutely commonplace, and assassinations are very common. Corruption is a constant concern; judges and other justice system officials are poorly paid, justice system capacity to prosecute corruption is very limited, and corruption is perceived as rampant both within and outside the justice system. The Government of Afghanistan (GoA) and the international community are concerned about bolstering the credibility of the “formal” justice system, recognizing that Afghanistan’s traditional justice system plays a major role in resolving conflicts, yet does so at times in violation of national and international human rights obligations, particularly the rights of women.

Following continuous engagement in supporting Afghanistan’s justice sector since 2002, UNDP Afghanistan’s justice sector support has entered a new phase. The Justice and Human Rights in Afghanistan (JHRA) Phase II Project draws on the lessons learned through previous UNDP justice projects – Strengthening the Justice System of Afghanistan (SJSA), Access to Justice at District Level (AJDL) and Justice and Human Rights Phase I.

The 1st phase of the JHRA Project was implemented from June 2009 - 30 June 2012. The project was designed to support the achievement of the priorities and benchmarks on human rights, rule of law and justice as highlighted in the Afghanistan National Development Strategy (ANDS) and the Afghanistan Compact. The JHRA project worked to improve access to justice at the national and provincial levels in Afghanistan. Programmatic interventions were undertaken by using a human rights based approach that simultaneously strengthened citizens’ capacity to claim their rights and enhanced the capacity of justice delivery system actors to deliver justice in compliance with rule of law and human rights standards. The Project activities included raising awareness through training of justice officials and community members including school teachers and students, and the general public and villages throughout 11 districts in Afghanistan. It also engaged with the rehabilitation of district justice facilities and providing emergency infrastructure works and basic equipment so facilities can function. At the national level, the project assisted the three national justice institutions including; the Ministry of Justice (MoJ), the Supreme Court (SCt), and the Attorney General’s Office (AGO) in strengthening their capacity so as to be able to better contribute to the justice reform process and the realization of human rights in Afghanistan.

The JHRA Phase II was initiated in January 2013. JHRA Phase II leverages on the work undertaken in Phase I and deepen the interventions at the national level and provincial levels and attempts to work across the justice sector, involving the rule of law service providers. The JHRA Phase II project represents four components of overall strategic support, and contributes in particular to the Afghan National Priority Plans (NPP) on Law and Justice for All (NPP 5) and Human Rights and Civic Responsibilities (NPP 6). JHRA Phase II seeks to increase trust in Afghan justice institutions as the necessary foundation and prerequisite for the re-establishment of state legitimacy. Without trust there is no State legitimacy and this becomes impossible for a government to guide a country through transition/transformation without conflict. The project assumes a comprehensive approach to trust-building composed of increasing service delivery and access to justice, in particular for the vulnerable groups, combined with the facilitation of the necessary political leadership; and balanced with structural and institutional mechanisms and safeguards to ensure sustainable transition and development. Similarly, support to justice sector service providers is balanced with support to ordinary people who would normally not be able to circumvent the current justice institutions and its mechanism to access justice, accountability, gain confidence in the formal justice institutions and gain trust in the State.

JHRA Phase II project outputs are:

Output 1: High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions.

Output 2: Mechanisms for providing quality access to justice services to vulnerable groups are established and functional.

Output 3: Public participation processes and knowledge base for improving access to justice and human rights compliance established.

Output 4: Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.

1. **EVALUATION PURPOSE**

The purpose of this Mid-Term Evaluation is to provide an overall assessment of the project and an opportunity to critically assess technical strategies and administrative issues. The evaluation gives recommendations to improve the potential of the Project to achieve expected outputs and objectives within the Project timeframe. The evaluation will also provide critical information to shape and inform future programming.

1. **EVALUATION SCOPE AND OBJECTIVES**

The scope of the Mid-Term Evaluation covers the interventions carried out during the time-frame from the inception of the JHRA Phase II Project, 1 January 2013 to the present. The geographic area for the Evaluation will include all of the provinces the JHRA Project has worked since the inception of Phase II to the present. This includes implementation in the provinces of Balkh, Nangarhar, Herat, Kabul, Helmand as well as planned implementation in Ghor and Badghis. Target groups for the evaluation include national authorities, UN personnel, strategic partners, relevant national and international organizations, donors and individuals.

The evaluation objectives are as follows:

1. To review the implementation of various project components and outputs/outcomes outlined in the project document with a view to assess the level of achievement;
2. To assess the efficiency with which outputs are being achieved;
3. To identify JHRA and UNDP’s interventions in justice and rule of law areas where it can make maximum impact and suggest areas of development in light of the political, socio-legal and funding landscape that is existing in the country.
4. To identify the overall justice and human rights interest areas of the donor agencies in justice, rule of law and human rights.
5. To provide an in-depth analysis on how the next 18 months of implementation can impact the recently drafted Country Programme Document of UNDP and suggest if the outcome statement, outputs or project indicators are required to be redrafted. If redrafting of the outcome statement, output areas or indicators is a suggestion, based on the changing priorities of the justice sector and human rights in Afghanistan, a set of draft outcome statement output areas or indicators shall be provided.
6. To draft a report that clearly defines the specific result areas under each component of the project. The report must include at least one impact chain for each component and analyze those in depth in terms of relevance, efficiency, effectiveness, impact and sustainability. Therefore the evaluation design will be discussed and assessed at each stage of the briefing, inception and debriefing.

In meeting these objectives, the Consultant will specifically focus on the following issues:

1. Assessment of factors which explain why set benchmarks were not fulfilled.
2. Assessment of the ongoing areas of JHRA against NPP 5, NPP 6 and identification of JHRA’s strength in the justice and rule of law areas.
3. Assessment of and suggestions on how the JHRA Phase II project can be 80% aligned to NPP’s strategic plans of the justice sector institutions.
4. Assessment of the project management structure and identification of robust implementation methods.
5. Assessment of the risks of the Project’s Components and suggestions related to mitigation strategies which may be undertaken in the future. This will be based on the risk matrix of the project.
6. Assessment of the quality of partnerships, national ownership and sustainability vis-à-vis the strategy in the project document.
7. Assessment of how partnerships can be further enhanced for the next phase of the project. Also identification of those partnerships that need to be undertaken for comprehensive programming, coordination and project implementation.
8. Extraction of the lessons learned and best practices that can be considered in the next 18 months of project implementation.

The Evaluation will pay particular attention to the following criteria:

1. Relevance: Evaluate the logic and unity of the process, as well as the relevance of the chain of results of each project’s component, for supporting the justice and human rights sectors, and providing subsequent capacity building programmes to improve justice and human rights; assess needs for JHRA to possibly align its scope of interventions in line with emerging priorities, taking into consideration the key national initiatives, and international assistance.
2. Efficiency: Evaluate the efficiency of the project implementation and whether the project has allocated resources in the most economical manner to achieve its stated results
3. Effectiveness: Assess how assumptions have affected project achievements and the subsequent management decisions vis-à-vis the cost effectiveness; assess the extent to which the project outputs have been effectively achieved;
4. Impact: Evaluate the impact of the project on its wider environment and its contribution towards the wider objectives outlined in the project document; assess what changes in development (at the level of individuals, institutions, communities or societies) - intended and unintended, positive and negative – have been brought about by the project;
5. Sustainability: Assess the sustainability of results with specific focus on national capacity and ownership over the process; assess whether the impact is likely to continue when external support is withdrawn, and whether it will be more widely replicated or adapted?

The evaluation must assess how JHRA Phase II interventions address gender, conflict sensitivity and Human Rights-based Approaches. All of the issues mentioned above will have to be evaluated through the particular lens of these three approaches.

1. **EVALUATION QUESTIONS**

The Evaluation Team should consider the following questions, within the framework of the evaluation criterion, when conducting the Mid-Term Evaluation. This list of questions is representative and not exhaustive and will be further detailed and agreed upon as part of the evaluation inception report.

Relevance

1. Has UNDP been able to design JHRA II interventions within the context of justice and human rights strategies in Afghanistan (NPP5, NPP6)?
2. Do the partners, target groups and beneficiaries consider that the interventions contributed/ will contribute to human rights, rule of law and justice priorities and benchmarks in the Afghanistan National Development Strategy (ANDS) and NPP5 and NPP6?
3. Have the interventions responded to the needs and priorities identified by governments and UN partners in the UNDAF?

Efficiency

1. Have the resources (funds, human resources, time, etc.) of JHRA interventions been efficiently used to achieve the relevant outputs?
2. Have the project interventions been implemented within intended deadlines and cost estimates?

Effectiveness

1. Have the project’s expected results been achieved / will be achieved and what are the supporting or impeding factors?
2. Have the project interventions contributed to the capacity building of the justice institutions as well as other national partners (such as Afghanistan Independent Human Rights Commission (AIHRC))?
3. To what extent were JHRA Phase II interventions coordinated with other partners interventions? What has been the nature and added value of these partnerships?

Sustainability

1. To what extent are the capacity building activities under each component producing lasting results?
2. What steps have been taken to ensure sustainability of results? How did the development of partnerships at the national and provincial level contribute to sustainability of the results?
3. What improvement can be incorporated into the project’s strategies to effectively build local counterparts’ capacity for addressing justice and human right issues in Afghanistan?
4. How, and to what extent did the JHRA II design, implementation strategy/ partnership, and governance foster national ownership and capacity development?

Impact

1. On capacity development, what has happened with the knowledge gained and the skills developed for the targeted institutions?
2. Is there clear evidencing of results and recognition of UNDP support?
3. **METHODOLOGY**

A detailed methodology will be part of the inception report, but the focus should be on methods to achieve the objectives of the evaluation. However, it is expected that the Consultants will conduct a desk review of existing documentation with regards to human rights and justice, including project documents, periodic reports, Afghanistan Independent Human Rights Commission (AIHRC) reports, National Priority Plans 5 and 6, Strategic Plans of Justice Sector Institutions, Afghanistan National Development Strategy, UNDP Country Programme Document and other relevant documents; conduct extensive one-on-one interviews and focus group discussions with national authorities, UN personnel, strategic partners, relevant national and international organizations, donors and individuals; and carry out field missions (security permitting) for direct observation of project activities.

To ensure the quality of reported results, data triangulation may be included as part of the methodology.

1. **EVALUATION PRODUCTS (DELIVERABLES)**

The consultants are expected to produce the following:

* Inception report: a revised plan reflecting any specific needs indicated by the project team or stakeholders or issues identified by the consultants concerning the scope of work of this assignment, evaluation design, or scheduling as agreed upon by the parties.
* Debriefing: at the end of the field evaluation (by end of the fourth week), the evaluators will provide a debriefing to the same stakeholders, focusing on the main results and recommendations of the evaluation.
* Draft report: the evaluators will send a draft evaluation report to project team and programme unit of UNDP by the end of the fifth week. This report will be shared by UNDP with all JHRA donors, JHRA partners and selected other stakeholders, and consolidated written comments will be provided to the evaluators *within two weeks*. The report will also contain recommendations on future support to the Government of Afghanistan to improve justice and human rights including lessons learned and best practices.
* Final Report: the evaluators will send the final evaluation report with gender-disaggregated information to UNDP *within 2 weeks* after having received the consolidated comments on the draft report.

The international consultant will be overall responsible for the preparation of the final report.

1. **EVALUATION TEAM COMPOSITION AND REQUIRED COMPETENCIES**

The evaluation will be conducted by two external independent consultants, one being an international and the other a national expert. The gender composition of the team will be particularly taken into consideration. Both consultants shall be specialists on human rights and justice programmes and initiatives in post-conflict countries.

The international consultant will visit Kabul in the first week of July 2014. UNDP CO/Rule of Law Unit will inform stakeholders in advance of the evaluation and its purposes. Prior to the field work of the assignment, the consultant will prepare by studying any documentation provided to him/her by UNDP Afghanistan.

The national consultant will be provided detailed documentation prior to the initiation of the field work. The national consultant will provide technical and interpretation/translation support to the international consultant throughout the assignment.

UNDP Rule of Law Unit and the JHRA project will also facilitate the work of the consultants before and during the assignment period, including preparing a schedule of meetings with the stakeholders, and producing necessary background information for the revision process with the help of the project team.

**Requirements for Experience and Qualifications**

Academic Qualifications:

* Master’s degree from a recognized university in Law, International Development, Human Rights or any other relevant field
* Knowledge of broad reconstruction and stabilization strategies and experience working in fragile States is strongly desired.

Years of experience:

* Minimum 8 years of experience in human rights and/or justice
* Minimum 8 years of experience in international development, with proven expertise in monitoring and evaluation.
* Strong analytical capacities (quantitative and qualitative) and strong ability to communicate and summarize this analysis in writing.
* Wide exposure to Justice, Human Rights and conflict-sensitivity aspects.
* Knowledge and/or experience in gender analysis, gender-based discriminations and gender equality.
* Experience in situations in conflict and/or post-conflict, experience of justice and human rights in other Islamic countries and/or experience in Afghanistan are strongly desired.

Competencies:

**Corporate Competencies:**

* Demonstrates integrity by modeling the UN’s values and ethical standards (human rights, peace, understanding between peoples and nations, tolerance, integrity, respect, results orientation (UNDP core ethics) impartiality);
* Promotes the vision, mission, and strategic goals of UNDP;
* Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

**Functional Competencies:**

* Consistently approaches work with energy and a positive, constructive attitude;
* Demonstrates good oral and written communication skills;
* Has ability to work both independently and in a team, and ability to deliver high quality work on tight timelines.

**Behavioural competencies:**

* Gender-sensitive;
* Comfortable working in dynamic environments that change frequently;
* Able to perform in a high-stress and difficult security environment, with austere living quarters.

**Computer Skills:**

* Proficiency in Microsoft Office software

Special skills requirements

Fluency in English is essential. Knowledge of Dari and/or Pashto will be an asset.

Individual consultants will be evaluated based on the following methodology:

***Cumulative analysis***

*The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:*

*a) responsive/compliant/acceptable, and*

*b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. 70%-30%.*

*\* Technical Criteria weight: 70%*

*\* Financial Criteria weight: 30%*

*Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation*

***Technical Criteria – Maximum 70 points***

* *Criteria A: Relevance of Education – Max 10 points*
* *Criteria B: Competencies and Special skills – Max 5 points*
* *Criteria C: Relevance of experience – Max 30 points*
* *Criteria D Description of approach/methodology to assignment (if applicable) – Max 25 points*

1. **EVALUATION ETHICS**

The evaluation will be conducted in accordance with the UNEG ethical guideline for evaluation.

This Evaluation will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation (UNEG 2008) and the consultants need to use measures to ensure compliance with the evaluator code of conduct (e.g. measures to safeguard the rights and confidentiality of their sources, provisions to collect and report data, particularly permission (consent) is needed to interview or obtain information about children and young people.

1. **IMPLEMENTATION ARRANGEMENTS**

**Institutional Arrangement**

The Programme Officer in the UNDP Afghanistan Rule of Law Programme Unit will be the focal point for this evaluation. The focal point will coordinate closely with the Chief Technical Advisor. While the evaluation should remain fully independent, the Evaluation Focal Point in the Programme Unit will provide both substantive and logistical (e.g., assistance in setting meetings) support to the evaluation team. The evaluation Focal Point should ensure that the evaluation is conducted as per the evaluation plan and in line with this ToR.

This TOR shall be the basis upon which compliance with assignment requirements and overall quality of services provided by the consultants will be assessed by UNDP.

UNDP JHRA will provide the Consultant with office space, transportation from/to workplace and relevant line ministries and office.

Laptop will be provided by the Consultant.

1. **TIME FRAME FOR THE EVALUATION PROCESS**

**Duration of the Work**

The duration of work is 43 working days (19 days home-based and 24 workdays at duty station; based upon a 6 day work week).

**Duty Station**

The Consultants will be based in Kabul with possible field visits to some of the 7 provinces mentioned earlier (to be agreed upon as part of the methodology in the inception report), if security permits travel.

1. **COST**

**PRICE AND SCHEDULE OF PAYMENTS**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| * The lump sum amount must be “all-inclusive”. It will include consultancy fees based on a six day working week, and it will include per diem fees, food incidental and other expenses related to the execution of the assignment. The lump sum amount shall also incorporate the cost of medical insurance and evacuation during the assignment period. * The contract price is fixed regardless of changes in the cost components.   The schedule and percentage payments will follow the timelines of the below-mentioned deliverables:   |  |  | | --- | --- | | * Debriefing: at the end of the field evaluation (by end of the fourth week), the evaluators will provide a debriefing to the same stakeholders, focusing on the main results and recommendations of the evaluation. | 50% of the installment | | * Final Report: the evaluator will send the final evaluation report with gender-disaggregated information to UNDP *within 2 weeks* after having received the consolidated comments on the draft report. UNDP will then send a management response to the evaluators. | 50% of the installment | | Notes:   * The term “All inclusive” implies that all costs (professional fees, travel costs, living allowances, communications, consummables, etc.) that could possibly be incurred by the Consultant are already factored into the final amounts submitted in the proposal. * *Individuals on IC are not UN staff and are therefore not entitled to DSAs. All living allowances required to perform the demands of the TOR must be incorporated in the financial proposal, whether the fees are expressed as daily fees or lump sum amount.* | | |

**DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.**

|  |
| --- |
| Interested individual consultants must submit the following documents/information to demonstrate their qualifications in **one single PDF document:**   1. Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP (Annex II). 2. **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references. 3. **Technical proposal:**    1. Brief description of why the individual considers him/herself as the most suitable for the assignment    2. A methodology on how they will approach and complete the assignment. 4. **Financial proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided (Annex II) |