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Resilient nations.*

HIV, Health & Development Team

Regional Service Centre for Africa (Addis Ababa)

REQUEST FOR PROPOSAL

TERMS OF REFERENCE FOR MID-TERM EVALUATION OF Sida-SUPPORTED PROJECT TITLED

“Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa”

GENERAL INFORMATION

Services/Work Description:	Consultancy Services for Mid-Term Evaluation of a Sida-Supported Project
Project/Program Title:	Mid-term Evaluation of the Project titled “Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa
Post Title:	International Consultancy (Organisation)
Organisation:	Regional Level
Duty Station:	Home-based with travels as required
Expected Places of Travel:	Countries within Africa
Duration:	3 calendar months (1 Sep – 30 Nov 2014)
Expected Start Date:	01 September, 2014
Expected End Date:	30 November, 2014

PART A: INTRODUCTION

1. **Background:** African countries are signatories to key international and regional human rights instruments which guarantee human rights to all individuals. This includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the African Charter of Human and People’s Rights. The ‘African Women’s Protocol’ specifically recognises the sexual and reproductive health rights of women in the context of HIV and AIDS. In addition to the need to align national legal frameworks with these existing human rights commitments, there is also a growing recognition of the central role of law and human rights in effective HIV responses and, based on principles of accountability and responsibility, of the need to enjoin countries to take steps to strengthen legal frameworks to protect people living with HIV and key populations at higher risk of HIV exposure and to promote universal access to HIV prevention, treatment, care and support.ⁱ

In June 2011, with the UN Political Declaration on HIV/AIDSⁱⁱ, Member States committed to reviewing laws and practices blocking effective HIV responses. They also committed to ensuring that national AIDS strategies and plans protect and promote the human rights of all people, in line with existing human rights commitments.ⁱⁱⁱ More recently, in 2012, the findings of the Global Commission on HIV and the Law show that stigma, discrimination and human rights violations continue to create major obstacles to effective HIV responses across the world, including in sub-Saharan Africa.^{iv} In addition, the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) Strategy 2012-2016 includes the *Promotion and Protection of Human Rights* as one of its five strategic objectives.

Government and civil society participants at the Global Commission’s Africa Regional Dialogue on HIV and the Law, held in Johannesburg from Aug 3-4 2011, recognised that legal and regulatory frameworks in the region fail to adequately protect rights in the context of HIV and AIDS in a number of ways.^v For example, few countries have strong anti-discrimination legislation, despite international, regional and national commitments to promoting equality and non-discrimination. In addition, laws and policies in many countries fail to fully recognise and promote the equality rights of populations who are particularly vulnerable or marginalised (such as women and children) or to protect them from violence and harm. In some cases, punitive laws expressly limit the rights of people further. In addition, even where laws and policies are

protective, populations still report difficulties in accessing and enforcing their rights for various reasons such as lack of awareness, inadequate legal support services and weak mechanisms for implementing and enforcing rights. This is a human rights crisis in its own right; in the context of HIV it also increases the impact of the epidemic in various ways.

For instance, even where countries have enacted HIV laws prohibiting discrimination, people living with HIV continue to experience discrimination in their families, communities, clinics and workplaces due to gaps in the law, limited access to justice and ineffective law enforcement. Vulnerable populations are particularly affected – for instance, women living with HIV report being thrown out of their homes, beaten, dispossessed of their property, forced to test for HIV when pregnant and coerced into sterilisation on the basis of their HIV-positive status.^{vi} And it is widely reported that LGBT people in Africa experience widespread discrimination, which, in turn, impedes their access to HIV and health services.

Furthermore, ineffective or punitive and discriminatory laws may fail to protect populations from or put them at higher risk of HIV exposure. Civil and customary laws that perpetuate gender inequality, limit women's autonomy and rights to property and allow harmful gender norms (such as early marriage) to continue, place women in positions where they have limited power to control over and decide freely on matters related to their sexual and reproductive health free of coercion, discrimination and violence and are at higher risk of HIV exposure. Criminal laws that fail to adequately protect populations from gender-based violence increase the risk of HIV exposure. Laws that criminalise HIV transmission or exposure by people living with HIV and criminalise same-sex sexual relationships expose these populations to targeted harassment, violence and abuse and marginalise them from health care and other services.^{vii} In effect, criminalisation both causes and boosts HIV risk^{viii} and HIV-related stigma and discrimination thrives, perpetuating inequalities, discouraging openness, deterring people from accessing HIV prevention, treatment, care and support and exacerbating the impact of HIV and AIDS.

The Global Commission's report *Risks, Rights & Health* affirms recommendations made by participants at the Africa Regional Dialogue for removing punitive and discriminatory laws and strengthening evidence informed and human rights based legal and regulatory environments for effective HIV responses.^{ix} Recommendations include review and reform of laws to ensure the protection of people living with HIV, women and girls and key populations from stigma, discrimination and violence and to repeal coercive and punitive laws that block effective HIV responses. Other steps to strengthen legal and regulatory frameworks include strengthening programmes to increase knowledge of rights and laws and to reduce stigma, discrimination and gender inequality amongst families, communities and key service providers as well as law enforcement officials. Finally, efforts to strengthen access to justice should include the provision of legal support services, sensitising the judiciary, encouraging strategic litigation and working with national human rights institutions and CSOs to document, monitor and investigate human rights violations.

Currently, steps taken in sub-Saharan African countries to address law and human rights in national HIV responses are inadequate. Countries are faced with an overwhelming number of issues and tend to take a piecemeal approach. This fails to sufficiently address all relevant aspects of strengthening a human rights based legal and regulatory environment necessary for supporting effective HIV responses at multiple levels with strong laws and policies, access to justice, implementation and enforcement of rights.

For instance, HIV-related law review and reform measures in African countries are often very HIV-specific and narrow in focus. They result in the enactment of HIV laws that only deal with some of the issues affecting people living with HIV – such as HIV-related discrimination, health rights and workplace issues – alongside the inclusion of problematic and harmful criminal laws which are aimed at prohibiting HIV exposure or

transmission.¹ They fail to recognise the importance of protecting and promoting the equality rights of all people in the legal framework as a whole, and in particular populations who already lack adequate protection. For instance, broader equality issues relevant for women and girls are often neglected and countries fail to adequately address civil and customary laws that deny women autonomy and condone harmful norms such as early marriage, unlawful and discriminatory practices such as coerced sterilisation, forced abortion and sexual violence as well as the impact of criminalisation of HIV transmission on women with HIV and AIDS.^x The failure to protect children's rights means that adolescents may struggle to access appropriate information and health services for the prevention and treatment of HIV. In addition, issues that are deemed 'sensitive' or not politically favourable such as addressing the criminalisation of same sex relations and violence and discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) people are often not discussed at all.^{xi}

Beyond law and policy, interventions to strengthen access to justice and the implementation and enforcement of rights are also inadequate. While many countries implement broad stigma and discrimination reduction programmes, there is generally less focus on advocacy for law review and reform and on strategies to strengthen access to justice and law enforcement – even though key populations consistently report harsh treatment from law enforcers and are shown to be less able to access justice.^{xii}

All this suggests that a focused and comprehensive approach towards strengthening legal frameworks in line with human rights commitments, with a particular focus on the rights of key populations, is an essential component of effective HIV response strategies. A broad, inclusive human rights and public health based approach that examines a country's legal framework as a whole also helps to 'desensitise' sensitivities around focussing strictly on issues such as women's equality rights within customary laws and practices and the rights of sexual minorities. It begins with (i) a human rights based assessment of the legal and regulatory framework incorporating national dialogue on critical issues and agreement on focused advocacy and action plans; followed by (ii) sensitizing parliamentarians and the judiciary for necessary evidence and rights based law reform/repeal and (iii) promoting other strategies to strengthen access to justice and law enforcement such as activities to: reduce stigma and discrimination, strengthen civil society capacity for advocacy and legal support, improve legal literacy, strengthen capacity of lawyers, paralegals and civil society for strategic litigation, train and sensitise police and service providers, and strengthen capacity of national and regional human rights institutions and mechanisms. In addition to creating safe spaces for sensitive issues to be raised within the broader context of human rights commitments as a whole, this approach builds broad and stronger coalitions necessary for creating better legal environments for all populations.

2. **The Project:** in the African continent, UNDP RSC-AFRICA is committed to follow up on the recommendations from the Report of the Global Commission on HIV and the Law and has been supporting national governments and regional entities in this process. In **2013**, with support from the governments of Sweden and Norway, UNDP RSC-AFRICA launched a project titled **"Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa"**. The **duration of this project is from 2013 to 2015**. The overarching **development objective** of this project is "to reduce the HIV-related vulnerability of LGBT people and women and girls affected by HIV in Sub-Saharan Africa by helping ensure that their legal rights are realised and stigma and discrimination are addressed. The **programme objective** is "to strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa". To achieve the purpose and objective of the project, UNDP began working with partners in **10** countries in 2013, the East African Community (EAC), the Economic Community

¹ See, for instance, Angola Law 8/04 on HIV and AIDS, 2004; Burundi Law 1/018 of 12 May 2005 on the Legal Protection of People Infected with HIV and People Suffering from AIDS, 2005; DRC Law 08/011 of 14 July 2008 for the Protection of the Rights of People Living with and Affected by HIV/AIDS, 2008; Kenya HIV and AIDS Prevention and Control Act, 2006 and Tanzania HIV and AIDS (Prevention and Control) Act, 2008 amongst others.

Of West African States (ECOWAS), the Southern African Development Community (SADC), and the African Union Commission (AUC) to:

- Develop the evidence base on how **countries** and **regional entities** can use law, human rights, action on stigma and access to justice to improve HIV outcomes.
- Catalyse, convene and support multi-stakeholder coalitions to review and to promote improvement in HIV-related laws and legal environments.
- Strengthen attention to HIV-related legal issues in UNDP's overall work on rule of law and strengthening of national human rights institutions, including efforts to empower marginalized populations and to harassment in discriminatory behaviour by uniformed services (including police services).
- Catalyse, improve and expand HIV-related legal services and legal literacy for people living with HIV, key populations and women, both through HIV-focused programming and through integration into broader access to justice efforts.

3. **The stakeholders** for this project include governments of countries engaging in reviewing laws and policies, ministries and departments of health, gender, social affairs, ministries of justice and trade, the national AIDS commissions (NACs), national human rights commissions, civil society organisations, legal experts, community based organisations, networks of people living with HIV and AIDS and those most at risk of HIV (including relevant key populations: sex workers, men who have sex with men, transgender people and people who use drugs). The stakeholders will also include regional and continental entities like the RECs (SADC, EAC, ECOWAS) and the AUC.

**TERMS OF REFERENCE FOR THE EVALUATION OF UNDP RSC AFRICA (HHD TEAM) PROJECT TITLED:
Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human
Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa**

For this proposal, 'evaluation' is defined as follows: "Development evaluation is a tool for analysing and assessing Swedish and other agencies' development cooperation and results. It has a central role in results based management (RBM) and for learning at Sida. It provides information on results, deepened understanding of how and why certain results were – or weren't – achieved, and determines whether they were satisfactory or not. Evaluation provides us with knowledge of what works, for whom, under what circumstances and how." (Sida)

1. BACKGROUND

UNDP RSC-AFRICA is committed to follow up on the recommendations from the Report of the Global Commission on HIV and the Law and has been supporting national governments and regional entities in this process. In **2013**, with support from the governments of Sweden and Norway, UNDP RSC-AFRICA launched a **3-year** project (from Jan. 2013 to Dec. 2015), titled **"Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa"**. The project was developed following discussions with a number of stakeholders and to respond to needs expressed at the African Regional Dialogue of the Global Commission of HIV and the Law that took place in Pretoria on 4 August, 2011. One of the strongest messages from the dialogue was summed up by Justice Kirby when he said: "No more glossy reports. We need an action plan; we need to follow up this Dialogue."^{xiii}

The overarching **development objective** of the project is "to reduce the HIV-related vulnerability of LGBT people and women and girls affected by HIV in Sub-Saharan Africa by helping ensure that their legal rights are realised and stigma and discrimination are addressed. The **programme objective** is "to strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa."

To achieve the purpose and objective of the project, UNDP began working with partners in **10** countries in 2013, a number of Regional Economic Communities (RECs) and the African Union Commission (AUC) to:

1. Strengthen the capacity of national governments to put in place legal environments – laws, policies, access to justice and law enforcement practices - that respect the rights of LGBT people and women and girls affected by HIV.
2. Strengthen the capacity of regional and national civil society organisations including community-based groups to claim rights and advocate for strengthened evidence and rights-based national legal environments.
3. Strengthen the capacity and leadership of regional economic communities to facilitate Member States to put in place legal environments that respect the rights of LGBT people and women and girls affected by HIV.

The project stakeholders and partners include the national governments of countries engaged in reviewing laws and policies, their ministries and departments of health, gender, social affairs, ministries of justice and trade, the national AIDS commissions (NACs), national human rights commissions, civil society organisations, legal experts, community based organisations, networks of people living with HIV and AIDS and those most at risk of HIV (including relevant key populations: sex workers, men who have sex with men, transgender

people and people who use drugs, etc.); and regional and continental entities like the AUC and the RECs that have been mentioned earlier.

The monitoring process of the project is described briefly in the following paragraph:

Specific progress and the achievement of objectives are measured against set indicators specified in the Results Framework for the programme as outlined below:

Outcome objective	To strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa.							
Indicator	Indicator	Baseline	Target	Results	Target	Results	Target	Results
		2012	2013	2013	2014	2014	2015	2015
Indicator 1	Number of countries engaged in activities to strengthen implementation or enforcement of laws that impact on women and girls affected by HIV	0	1		1		1	
Indicator 2	Law reform on Criminalisation of HIV transmission or on Domestic and Sexual Violence on-going in 2 countries	0					2	
Output objective	Gaps in adherence to international and regional human rights standards related to HIV successfully identified in 8 countries							
Indicator	Indicator	Baseline	Target	Results	Target	Results	Target	Results
		2012	2013	2013	2014	2014	2015	2015
Indicator 1	Number of Countries which have completed LEAs	1	3		2		2	
Indicator 2	Percentage of CSOs representing women/girls and LGBT people participating in LEA processes		50/20		50/20		50/20	
Output objective	Commitments to a nationally agreed prioritised plan of action to strengthen legal environments for HIV successfully made in 5 countries							
Indicator	Indicator	Baseline	Target	Results	Target	Results	Target	Results
		2012	2013	2013	2014	2014	2015	2015
Indicator 1	Number of countries finalising action plans	0	1		2		2	
Output objective	Awareness about LGBT rights raised with key stakeholders (police, NAC, judiciary, MoJ, parliamentarians, NHRIs, LGBT groups etc.) in 7 countries							
Indicator	Indicator	Baseline	Target	Results	Target	Results	Target	Results
		2012	2013	2013	2014	2014	2015	2015
Indicator 1	Number of countries conducting National Dialogues on HIV and	0	2		3		2	
Indicator 2	Percentage of CSOs representing LGBT people participating in National Dialogues		20		20		20	
Output objective	Strengthened understanding of the links between human rights and HIV in 3 RECs							
Indicator	Indicator	Baseline	Target	Results	Target	Results	Target	Results
		2012	2013	2013	2014	2014	2015	2015
Indicator 1	Number of RECs implementing HIV and law and LGBT rights capacity building activities with Member States	1	1		1		1	

An Annual Review Report is prepared by the Project Manager and shared with the Programme Management Committee, (first year Review Report is available), and the Project plan incorporates both a mid-term and an End-of Project Evaluation.

The rationale for the mid-term evaluation (to be held at the one-and-half year mark, i.e. for the time period Jan. 2013 to Jun. 2014) is to:

- Understand the progress made against the results framework of the project during the time period,
- Document and report on the achievements, successes and challenges and on the roles played by the project to overcome challenges,
- Recommend mid-term corrections to overcome delivery challenges, and
- Share with the project stakeholders and the donor on the project: its successes, challenges, recommendations of mid-term corrections, and on the sustainability of the work undertaken by the project.

The intended users of the mid-term evaluation of this project are UNDP, the external funders: Sida and Norad, stakeholders – national governments, civil society organisations and continental and regional entities and bodies who are partners to the project.

2. PROJECT EVALUATION CONTEXT

a) **Context:** The mid-term evaluation needs to be placed in the context of the overall monitoring framework of the project. Apart from the mid-term evaluation being a donor requirement, it is expected that the evaluation will identify the success, challenges and potential roadblocks to the project; suggest course correction measures and advice further follow up to ensure sustainability of the activities and processes initiated by this project.

b) **Scope of the evaluation:** the broad scope of the evaluation covers review of the project document(s) and its results framework; annual workplans; country- and regional-level activities and results achieved against the timelines and result framework; review of the annual report, tools, technical reports and guides produced by the project as deliverables for the time period in question and review and recording of key challenges faced and key outcomes achieved.

c) **The main expected output from the evaluation exercise** is a mid-term project evaluation report that will *describe* the evaluated project and the scope, objectives and methodology of the evaluation process; *share* the main findings from the evaluation; *draw* evaluative conclusions from the exercise; *identify* the key lessons learned, barriers faced and overcome; and *recommend* steps for sustaining the efforts initiated by the project.

3. PURPOSE, OBJECTIVES AND SCOPE

The overall **purpose** of the mid-term evaluation of this project is:

- To understand the successes, achievements and planned activities of the project for greater learning about what works and what does not; and ways to address challenges encountered to meet the end-of project targets and achievable outputs and outcomes. The evaluation and its report will also achieve the purpose of being a learning document for UNDP, national government partners, RECs and continental entities and for other stakeholders and the donors, and can be used for the benefit of other countries.

The **objectives** of the evaluation are:

- to assess the mid-term contribution made by the Project in terms of the activities planned and results achieved against the results framework that was agreed upon in the project document;
- to identify the enabling factors and challenges (if any) of the project (as learning);
- to reach conclusions concerning the project's contribution within the scope of this evaluation;

- to provide specific and actionable recommendations for improving the project's contribution. These recommendations should be linked to the project's results planned for in the final year of the project's life, and draw upon lessons learned identified through the mid-term evaluation.

The **scope** covered by the evaluation includes examining how far, at this mid-term period, has the Project's **programme objective** "to strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa" been achieved. It will also explore the pathways and linkages of these achievements to the overarching **development objective** of "(reducing) the HIV-related vulnerability of LGBT people and women and girls affected by HIV in Sub-Saharan Africa by helping ensure that their legal rights are realised and stigma and discrimination are addressed".

4. EVALUATION QUESTIONS AND METHODOLOGY

Overall approach: This is an external programmatic evaluation in that it assesses performance against a given results framework that specifies its strategic intent and objectives, by an external agency/organisation.

Given that outcomes are, by definition, the work of a number of entities, attribution of development change to the project (in the sense of establishing a causal linkage between a development intervention and an observed result) is difficult, and in many cases not practically feasible. The evaluation will therefore consider contribution of the project to the stated results framework and identify the successes, challenges and ways forward. To make the assessment, the evaluators will examine the project document and results framework; identify the achievements with respect to the proposed deliverables over the period being evaluated on the basis of the baseline information presented in the results framework; and identify the strategies and actions undertaken at country, regional and continental levels, to understand the project's contributions to the change.

Evaluation criteria: The contribution of the Project to the planned results and outcomes at the Project mid-term will be assessed according to a standard set of evaluation criteria as below:

- **Relevance.** The extent to which the objectives of Project are consistent with country needs and requests, national, regional and continental priorities (e.g. AU Roadmap for Shared Responsibility and Global Solidarity for AIDS, TB and Malaria in Africa), and on international and regional commitments on human rights and HIV and AIDS.
- **Effectiveness.** The extent to which the Project contributed to, or is likely to contribute to, the outcomes defined in the Project Document and the Project Results Framework.
- **Sustainability.** The extent to which the results achieved as per the results framework at the project mid-term point towards sustained changes in country- and/or regional-level laws, policies and programming in the context of HIV.

Enabling / explanatory factors: To allow for lessons to be learned, the evaluators, using the above criteria, will identify the various enabling and explanatory factors for the performance achieved at mid-term.

Other factors. A number of specific factors that have affected the performance of the Project will also be examined. For example:

- How well did the Project use its partnerships (with national governments, regional and continental bodies, regional NGOs and CBOs, etc.) to improve its performance?
- Did the Project implementation process undertake appropriate risk analysis and take appropriate actions to ensure that results to which it contributed are not lost? To what extent are the benefits being, or are likely to be, maintained over time?

Data collection methods: This mid-term evaluation will draw on a variety of data collection methods including, but not limited to:

- Document review focusing on the project planning documents and the 2013 annual report, and relevant meeting and activity reports.
- Semi-structured interviews and wherever feasible and necessary, focused-group discussions with key stakeholders including government/NAC officials, donors, representatives of civil society organisations, etc.
- Other methods as appropriate

Data collection methods must be linked to the evaluation criteria and evaluation questions that are included within the scope of the evaluation. The use of an evaluation matrix is helpful in linking these elements together. In addition, the precise data collection methods should be identified following:

- Understanding of the availability of existing evaluative evidence;
- Logistical constraints (travel, costs, time, etc.); and
- Ethical considerations (especially when evaluating sensitive issues such as key population, human rights and HIV, or in sensitive settings such as meeting with key population representatives). The overall ethical principle that the evaluation must adhere to is the principle of “do no harm”.

For this evaluation, data collection methods and process should be predominantly based on review of documents and on qualitative methodology and take into account human rights-based approaches to HIV programming. Therefore the evaluation should take into account project interventions including legal environment assessments, law reform processes, national dialogues on HIV and the law and their outcomes, etc.

Evaluation Standards

The evaluation should also be conducted as per the following four broad sets of *quality standards*, namely *propriety standards*, *feasibility standards*, *accuracy standards* and *utility standards*:^{xiv}

- The *propriety standards* are ethical standards meant to ensure that evaluations are conducted with due regard for the rights and welfare of affected people. The most basic of the propriety standards is that evaluations should never violate or endanger human rights. Evaluators should respect human dignity and worth in their interaction with all persons encountered during the evaluation, and do all in their power to ensure that they are not wronged.
- The *feasibility standards* are intended to ensure that evaluations are realistic and efficient. To satisfy these requirements, an evaluation must be based on practical procedures, not unduly disrupting normal activities, and be planned and conducted in such a way that the co-operation of key stakeholders can be obtained. They should also be efficient.
- The *accuracy standards* are meant to ensure that the information produced by evaluations is factually correct, free of bias, and appropriate to the evaluation issues at hand.
- The *utility standards*, finally, are meant to ensure that evaluations serve the information needs of their intended users: to be useful, evaluations must be responsive to the interests, perspectives and values of stakeholders.

Validation: This mid-term Project evaluation will use a variety of validation methods to ensure that the information used and conclusions made carry the necessary depth.

5. MANAGEMENT AND CONDUCT OF THE EVALUATION

The Evaluation Management Structure: The Evaluation Team will work under the supervision of a multi-tiered evaluation management structure.

- Direct management oversight of the evaluation process, but not its content, will be provided by the **Evaluation Task Manager**, based in the HHD team of the Regional Service Centre for Africa, who is responsible for the day-to-day implementation of the evaluation and manages the evaluation budget.
- The Task Manager will report to **Project Management Committee (PMC)** which is composed of UNDP, selected members from government, UN and civil society. The key roles of the PMC are to ensure that 1) the evaluation process meets relevant Norms, Standards and Ethical Guidelines and that 2) the evaluation findings are relevant and recommendations are implementable and that 3) the evaluation findings are disseminated and available for use and learning from the evaluation.

Evaluation Team Composition

This evaluation team should ideally consist of a team leader and one or (maximum) two more team members with the following responsibilities:

- The **evaluation team leader** will lead the entire evaluation process, working closely with all team members. He/she will manage the evaluation process in a timely manner and communicate with the Evaluation Task Manager on a regular basis and highlight progress made/challenges encountered. The team leader will be responsible for producing the inception report and the draft and final evaluation reports.
- The **team members** will contribute to the evaluation process substantively through data collection and analysis. They will share responsibilities for conducting desk review and interviews and conduct field visits to the project sites identified and collect data. They will provide substantive inputs to the inception report as well as to the draft and final reports.

Evaluation Process and Tentative timeframe

This mid-term evaluation process will be conducted over **three** calendar months (from 1st September to 30th November), and should be based on phases as defined below:

1. Briefing of the evaluation team by HIV Health and Development (HHD) Team UNDP RSC based in Addis Ababa. The HHD Team will brief the evaluation team about the project, the evaluation and its management process, communications and coordination etc.
 2. Inception Report preparation: The evaluation team will prepare an **inception report** that will operationalize the design elements, and develop a workplan based on this ToR prior to undertaking the evaluation.
 3. Data collection – that will include desk review, key informant interviews, focussed group discussion, etc.
 4. Zero-draft evaluation report sharing with members of the Africa Forum on HIV and the Law, the donor (Sida) and the **PMC**.
 5. Validation of zero draft by the Project Management Committee and relevant stakeholders.
 6. Submission of the draft one of the evaluation report to PMC for their final comments and feedback.
 7. Delivering final report (as per annexed format), based on the feedback received.
- **Follow-up and use.** Once the evaluation report is completed and validated, and a final report prepared,

UNDP will make it public by posting in the UNDP Teamworks site and sharing it with relevant country offices and civil society partners and regional and continental entities via the Global Commission on HIV and the Law Africa Follow-up Website (www.hivlawcommission.org/africa). The Project Management Committee of this Project will endorse a management response to the evaluation recommendations. This includes committing follow up actions to the recommendations as well as establishing responsibilities for the follow up.

PART C: EVALUATION CALENDAR with INDICATIVE Number of DAYS

Conducting the Evaluation	INDICATIVE Number of Days	Person/Team Responsible
1. <u>Briefing the Evaluation Team</u>	3 Days	UNDP, Evaluation Team
2. <u>Development of evaluation work plan and Inception Report</u>	5 Days	Evaluation Team
3. <u>Data Collection</u> : the Evaluation Team collects data deploying various data collection methods agreed upon in the Inception Report. Relevant stakeholders from UNDP COs will facilitate access to information and provide necessary logistic / organisational support.	20 Days	Evaluation Team (support from relevant UNDP COs)
4. <u>Zero-Draft evaluation report</u> : the Evaluation Team shares the zero-draft of the evaluation report – for circulation with members of the Africa Forum on HIV and the Law, the donor (Sida) and the PMC	5 Days	Evaluation team, UNDP
5. <u>Validation of zero draft</u> by the Project Management Committee and relevant stakeholders.	3 Days	UNDP, Evaluation Team
6. <u>Preliminary report</u> : incorporation of the feedback from the PMC and relevant stakeholders by the Evaluation Team to develop and present the next draft of the Evaluation Report to the PMC .	2 Days	Evaluation Team
7. Evaluation Team produces a <u>final report</u> based on the final feedback from PMC and stakeholders, in time for incorporation of the findings into the Project Annual Report.	5 Days	Evaluation Team
TOTAL	43 Days over the 3 Month Period	

PART D: EVALUATION TEAM QUALIFICATION

A) Applications are solicited from highly-experienced regional organizations that have Africa-wide experience in the area of HIV, human rights, key populations, LGBTI groups, the law, health and development.

B) As the Mid-Term Project Evaluation is considered an independent evaluation, an organisation will be recruited as the external evaluation team.

C) The evaluation team should be able to demonstrate:

- a. Strong experience and knowledge in the area of HIV, human rights, the law as it pertains to HIV, treatment access, key populations, people living with HIV and LGBTI groups, labour and trade laws and laws pertaining to access to medicines.
- b. Extensive knowledge of, and experience in applying qualitative evaluation methods, and demonstrable experience in conducting evaluations of projects that focus on issues of HIV, human rights, key populations and the law;
- c. A strong record of working with key populations and/or on key population, PLHIV and LGBTI issues pertaining to law, human rights and access to justice in the context of HIV;
- d. Qualitative data collection and analysis skills;
- e. Process management skills such as facilitation skills and ability to negotiate with a wide range of stakeholders;
- f. Technical competence in undertaking project evaluations which predominantly involve the use of qualitative research/social science methods;
- g. Prior experience in working with multilateral agencies;
- h. Knowledge of UNDP's role, and UN programming at the country level and regional levels;
- i. Additional qualifications desired: these include demonstrable language skills (in English and French); experience in working across African countries; and experience in working with NACs, MOH and other relevant regional and/or continental entities and international donors.

D) The Evaluation team should comply with the following UN Core Values to name a few:

- Professionalism
- Planning and Organizing ability
- Accountability: takes ownership of responsibilities and honours commitments.
- Communications: speaks and writes clearly and effectively; listens to others, correctly interprets messages from others and responds appropriately; asks questions to clarify, and exhibits interest in having two-way communication; tailors language, tone, style and format to match audience. Keeps confidential information undisclosed....
- Innovator: learn, share and acquire new competencies and seek new challenges by exploring new approaches
- Performer: works against an agreed outcome and priorities and seeks performance feedback from supervisors and support staff in the performance review in a constructive and objective manner.

PART E: CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, **qualified organisations** are expected to submit both the Technical and Financial Proposals. Accordingly, the proposers (organisations) will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
 - a. Technical Criteria weight is **70%**
 - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
Technical Competence (based on CV, Proposal and interview (if required))	70%	100
<ul style="list-style-type: none"> ▪ Criteria a. Strong experience and knowledge in the area of HIV, human rights, the law as it pertains to HIV, treatment access, key population, people living with HIV and LGBTI groups, labour and trade laws and laws pertaining to access to medicines in the context of HIV. 		40
<ul style="list-style-type: none"> ▪ Criteria b. Extensive knowledge of, and experience in applying qualitative evaluation methods, and demonstrable experience in conducting evaluations of projects that focus on issues of HIV, human rights, key populations and the law. 		30
<ul style="list-style-type: none"> ▪ Criteria c. A strong and demonstrable record of working with key populations and/or on key population, PLHIV and LGBTI issues pertaining to law, human rights and access to justice in the context of HIV;. 		15
<ul style="list-style-type: none"> ▪ Criteria d. technical competence in undertaking project evaluations which predominantly involve the use of qualitative research/social science methods; prior experience in working with multilateral agencies and knowledge of UNDP's role, and UN programming at the country level and regional levels. 		10
<ul style="list-style-type: none"> ▪ Criteria e. Additional qualifications required desired include demonstrable language skills (in English and French); and experience in working across African countries with governments. 		5
Financial (Lower Offer/Offer*100)	30%	30
Total Score	Technical Score * 70% + Financial Score * 30%	

PART F: PAYMENT MILESTONES AND AUTHORITY

The qualified consultancy organisation shall receive their lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Instalment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Instalment	Inception Report and Work Plan	From HHD Team Leader	20%
2 nd Instalment	Delivery of the Final Evaluation Report	"	80%

PART G: ADDITIONAL GUIDANCE AND RESOURCES

a) LIST OF DOCUMENTS AND WEBSITES

The following sources are recommended for use by the offerors in developing and implementing the evaluation:

- Evaluation norms, guidelines and standards
 - ✓ http://www.sida.se/PageFiles/79951/SIDA3753en_Looking_back.pdf (Sida, 2004 *Looking Back Moving Forward, Sida Evaluation Manual*)
 - ✓ [Quality Checklist for Evaluation Reports](#)
 - ✓ [Standards for Evaluation in the UN System](#)
 - ✓ [Norms for Evaluation in the UN System](#)
 - ✓ [Good Practice Guidelines for Follow up to Evaluations](#)

b) OVERALL STRUCTURE OF THE FINAL REPORT

The following template serves as a standard outline for the final evaluation report. This should be considered during the inception phase and taking account of the specific scope and focus of the evaluation, *a detailed outline of the evaluation report should be included in the inception report.*

EXECUTIVE SUMMARY

Summary of the mid-term evaluation, with particular emphasis on main findings, conclusions, lessons learned and recommendations: The executive summary provides a synopsis of the evaluation and its purpose, emphasising main findings, evaluative conclusions, recommendations and lessons learned. Descriptions of methodology should be kept to a minimum. The summary should be self-contained and self-explanatory. Special care should be taken to prepare the executive summary, as it may be the only part of the report that some people have time to read.

INTRODUCTION

Presentation of the evaluation's purpose, questions and main findings: The introduction presents the background and overall purpose of the evaluation, including how and by whom it is intended to be used, as well as the evaluation criteria employed and the key questions addressed. It also outlines the structure of the report and provides guidance to readers.

THE EVALUATED INTERVENTION

Description of the evaluated intervention, and its purpose, logic, organisation and stakeholders: This chapter describes the main characteristics of the evaluated intervention and its organisation and stakeholders. It

should cover the key issue(s) addressed by the intervention, the objectives of the intervention, the expected results and its logic of cause and effect. A description of activities carried out and key outputs delivered should be included.

The chapter should also cover the policy and development context of the evaluated intervention, including the assumptions about external factors that were part of intervention planning. When preparing the chapter, the evaluators should summarize the findings and conclusions of any earlier evaluations of the same intervention.

FINDINGS

Factual evidence and observations that are relevant to the specific questions asked by the evaluation: Findings are information/data and inferences from such data that the evaluators present as evidence relevant to the evaluation questions. They are the facts of the matter, in other words. In the findings chapter, this body of evidence is systematically presented so that readers can form their own opinion about the strengths and weakness of the conclusions of the evaluation. The quality of the findings – their accuracy and relevance – should be assessed with reference to standard criteria of reliability and validity and with reference to the project document and its results framework.

EVALUATIVE CONCLUSIONS

Assessment of the intervention and its results against given evaluation criteria, standards of performance and policy issues: these evaluative conclusions are the evaluators' concluding assessments of the intervention against given evaluation criteria, performance standards and policy issues. They provide answers as to whether the intervention is considered good or bad, and whether the results are found positive or negative. In many cases, it makes sense to combine the presentation of findings and evaluative conclusions in one chapter.

LESSONS LEARNED

General conclusions that are likely to have a potential for wider application and use: Lessons learned are findings and conclusions that can be generalised beyond the evaluated intervention. In formulating lessons, the evaluators are expected to examine the intervention in a wider perspective and put it in relation to current ideas about good and bad practice.

RECOMMENDATIONS

Actionable proposals to the evaluation's users for improved intervention cycle management and policy: Recommendations indicate what actions the evaluators believe should be taken on the basis of the evaluation.

Recommendations should always identify their respective addressees and be tailored to the specific needs and interests of each addressee. They should be simply stated and geared to facilitate implementation.

APPENDIXES

Terms of reference, methodology for data gathering and analysis, references, etc.: The report should include an Appendix describing how the evaluation was carried out. The Appendix should cover standard methodology topics, including research design, sampling and data collection methods and analytical procedures. It should discuss the limitations of the selected methods as well as their strengths.

PART H RECOMMENDED PRESENTATION OF PROPOSAL

For purposes of generating proposals whose contents are uniformly presented and to facilitate their comparative review, you are hereby given a template of the Table of Content. Accordingly; your Technical Proposal document must have at least the following preferred content and shall follow its respective format/sequencing as follows.

Proposed Table of Contents	Page
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TECHNICAL PROPOSAL COVER PAGES

- Cover Page (use the template hereto)
- Cover Letter (use the template hereto)
- Statement of Declaration (use the template hereto)

SECTION I. TECHNICAL PROPOSAL SUBMISSION FORM

- 1.1 Letter of Motivation
- 1.2 Proposed Methodology
- 1.3 Past Experience in Similar Consultancy and/or Projects
- 1.4 Implementation Timelines
- 1.5 List of Personal Referees
- 1.6 Bank Reference

SECTION II. ANNEXES

Annex a. Duly Signed Offeror's Letter to UNDP Confirming Interest and Availability (use the template hereto)

Annex b. Duly Signed Personal CV's

Documentation Checklist (please refer to the checklist attached hereto)

PART I: CONFIDENTIALITY AND PROPRIETARY INTERESTS

- The Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.

PART J: APPROVAL OF TOR

This TOR is approved by: [Ms Tilly Sellers]

Signature:



Name and Designation: Tilly Sellers, Team Leader HHD, UNDP RSC Africa (Addis Ababa)

Date of Signing: _____

REFERENCES:

- ⁱ UNGASS, 2011. *Political Declaration on HIV/AIDS*; UNAIDS, 2010. *Getting to Zero*; Global Fund to fight AIDS, Tuberculosis and Malaria, 2011. *The Global Fund Strategy 2012-2016: Investing for Impact*.
- ⁱⁱ UNGASS, 2011. *Political Declaration on HIV/AIDS*.
- ⁱⁱⁱ Ibid.
- ^{iv} Global Commission on HIV and the Law, 2012. *Risks, Rights & Health*. Available at www.hivlawcommission.org [Accessed 9 July 2012]. See www.hivlawcommission.org for further information on the Global Commission on HIV and the Law, submissions on HIV and the law made at 7 Regional Dialogues and in particular, the Africa Regional Dialogue on HIV and the Law, 4 August 2011.
- ^v See Global Commission on HIV and the Law, 2011. *Report of the Africa Regional Dialogue of the Global Commission on HIV and the law*. Available at www.hivlawcommission.org [Accessed 9 July 2012].
- ^{vi} Ibid. See also Global Commission on HIV and the Law, 2011. *Regional Dialogue Submissions: Africa Regional Dialogue*. Available at www.hivlawcommission.org [Accessed 9 July 2012].
- ^{vii} Ibid.
- ^{viii} Global Commission on HIV and the Law. (2012). *HIV and the Law: Risks, Rights & Health*. Available at: <http://hivlawcommission.org/index.php/report>
- ^{ix} See www.hivlawcommission.org for information on the Global Commission on HIV and the Law, submissions on HIV and the law made at 7 Regional Dialogues, and the final report of the Commission.
- ^x Global Commission on HIV and the Law, 2011. *Regional Issue Brief: Women, HIV and the Law*. Available at www.hivlawcommission.org [Accessed 23 August 2012].
- ^{xi} Global Commission on HIV and the Law, 2011. *Regional Issue Brief: Criminal Law and HIV*. Available at www.hivlawcommission.org [Accessed 23 August 2012].
- ^{xii} Ibid.
- ^{xiii} Global Commission on HIV and the Law, 2011. *Report of the Africa Regional Dialogue of the Global Commission on HIV and the Law*. Pp 41-42. Available at <http://hivlawcommission.org/index.php/regional-dialogues-main/africa?task=document.viewdoc&id=42> [Accessed 23 August 2012].
- ^{xiv} Molund S & Schill G. *Looking Back Moving Forward: Sida Evaluation Manual*. Sida (2004)