

Terms of Reference

Outcome Evaluation of the 'Improving the Rule of Law and Access to Justice in Sierra Leone' Programme and Design of a new Rule of Law Project

1. Background

The lack of access to justice was identified by the Sierra Leonean Truth and Reconciliation Commission (TRC) in 2004 as a key cause of Sierra Leone's 11-year civil war. In the aftermath of the conflict, lack of trained staff and damaged infrastructure hampered the administration of justice and threatened the consolidation of peace. In the recovery phase therefore, donors provided logistical and infrastructure support to restore justice sector institutions severely destroyed or degraded during the war. The TRC findings led to a national consensus that reform of the justice sector is central to peace consolidation, and ultimately a vital ingredient for sustainable development in post-conflict Sierra Leone.

Despite 10 years of development assistance- much of it donor funded- the Government recognizes the problems that continue to confront the justice sector as a whole. Only 20 Judges and 22 Magistrates, along with 23 Ministry of Justice Prosecutors serve the entire country with a population of more than 6 million. Most criminal cases are prosecuted by untrained Police Prosecutors and long delays in both criminal and civil cases are common. Prisons are overcrowded and prolonged and illegal detention- due to delays in case processing- is the norm.

Since the duty to improve justice rests with both state and civil society actors, the UNDP Improving the Rule of Law and Access to Justice Project adopted a two pronged approach, working with both state ('supply side') and civil society ('demand side'). Supply-side institutions include the Ministry of Justice, Sierra Leone Police (SLP), the Judiciary, and the Sierra Leone Human Rights Commission. Demand-side institutions include CSOs- particularly those with whom significant results have been achieved during previous engagements. Consequently, activities were clustered into two outcomes, corresponding to the two pillars in which capacities must be developed in order to improve access to justice in Sierra Leone. In addition UNDP recognises the need to build strong partnerships between national justice institutions and civil society and therefore many activities were designed with the objective of enhancing the working relationship between both pillars.

UNDP's experience in Sierra Leone shows that the prevalence of SGBV is directly related to gender equality and more broadly to the country's economic development. During project implementation from 2013 to June, 2015 while working at the level of supporting individual victims of SGBV and to ensure the respect of gender and property laws enacted as per the strategy of the project, UNDP identified, through its range of CSO partners that the area of women's access to land and property rights is a vital right issue which receives little or no attention. Women's human rights issues are often presented only as a civil rights issue, while women's social and economic rights are often ignored.

For the project implementation spanning from 2013 to 2014, UNDP intended to build on previous project achievements by scaling up promising practices that have achieved a high impact as well as expanding into areas based on clearly evidenced needs while ensuring

that such activities are a logical expansion for UNDP to make based on our comparative advantage through the use of a wider network of CSOs/NGOs and government counterparts. In accordance with the Project Strategy, focus was on building capacity in functional areas having a direct impact on the promotion and protection of gender equality and gender justice and also building capacity in core areas of the justice sector which are a pre-requisite for the promotion of gender justice. The project therefore sought to enhance access to justice through increased application of human rights standards, effective implementation of relevant national legislation and adoption of gender-sensitive practices in both formal and customary justice systems in Sierra Leone.

UNDP has throughout the project supported key activities of justice institutions to further build and strengthen capacity – in accordance with the Agenda for Prosperity (2013-2017) and the previous poverty reduction strategy – PRSP II. This has for example included support to training of staff from the Judiciary and the Law Officers' Department both on core skills and also on SGBV and gender equality related issues. All training programmes supported had a focus on building capacity of the institutions concerned to plan, develop and deliver their own training modules. Training curricula are delivered by and owned by each institution in order to guarantee sustainability with UNDP support (SGBV Case Management Guidelines, SOP for SGBV).

As has been the case from 2009-2012, a key part of project implementation included support for CSOs working on issues such as SGBV victim support, legal awareness, women's access to land and property rights and court monitoring. The Project also expanded M&E activities conducted in the field by CSOs in order to gain improved qualitative data on justice services.

2. Purpose of Evaluation

The end of project evaluation is a corporate requirement that UNDP and Irish Aid are committed to undertake based on an agreement signed between both parties. It is a means for UNDP to build on lessons learned in order to improve on similar interventions going forward especially to enable UNDP design a new Rule of Law Project. This is goal-oriented summative evaluation, where UNDP Sierra Leone is looking to determine the extent of its support to national priorities in the governance sector, and how programmatic its approaches have been in achieving real development changes. The evaluation will be based on outcomes, as stated in the Country Programme Action Plans (CPAP) 2011-12 and 2013-14:

"Enhanced civil society capacity to elicit accountability for justice service delivery" CPAP 2011-12

"Effective, responsive, accessible and fair justice systems attained to promote the rule of law, including both formal and informal processes, with due consideration to the rights of the poor, women and vulnerable groups" and "National capacity strengthened to ensure citizens' security and human rights" CPAP 2013 - 14

While some evaluations have been conducted on specific aspects of the programme¹, this outcome evaluation will look at the programme overall and would be a very important input for the office's future strategy, especially in the light of changes Sierra Leone has undergone since the outbreak of Ebola Virus Disease and also in relation to other justice sector actors such as the UK-DFID funded Access to Security and Justice Project (ASJP). The result of this evaluation will provide lessons for a new programme strategy in preparation with stakeholders to be pursued in the next programme cycle-2016-2019. The evaluation is expected to draw a clear contribution to the United Nations (through the Joint Vision and Transitional Joint Vision) and the national development efforts (through the Agenda for

¹ 2013 Report on the Evaluation of Mobile courts

Prosperity and its predecessor, Agenda for Change) as well as the Justice Sector Reform Strategy and Investment Plan (JSRSIP III) on improving rule of law and access to justice.

Objective of the Evaluation

The main objective of this evaluation is to assess UNDP's contribution to the progress towards providing and sustaining justice and rule of law in Sierra Leone as well as to inform the design of the new Rule of Law Project-2016-2019. Specific objectives of the evaluation include:

- Review the performance of the Project in achieving the outputs as per the Project Document and their contributions to outcome level goals;
- Assess the factors that have been affecting the outcome and its sustainability
- Assess UNDP's strategy used in making contribution to the outcome, including on the use of partnership
- Assess the appropriateness of the Project strategy including its theory of change, implementation approach, and project institutional/ management arrangements
- Document best practices and lessons learned from the programme to feed into the next phase of the programme cycle;
- Make clear and focused recommendations that may be required for enhancing the relevance, effectiveness, efficiency, impact and sustainability of a future programme.

3. Scope of the Evaluation

This outcome evaluation will assess the collective performance of two and half years of 'Improving Rule of Law and Access to Justice' Programme in Sierra Leone. The evaluation will cover both the non-project interventions (technical strengthening and advocacy activities) as well as the following projects that were implemented as part of the programme:

- All components of the 'Improving Rule of Law and Access to Justice
- Support to Human Rights Commission of Sierra Leone

The scope of the evaluation will cover an assessment of overlaps of the UNDP Improving the Rule of Law and Access to Justice Project with the DFID funded Access to Security and Justice Project (ASJP). The evaluation will also look at the contribution made by UNDP both at the national and local levels as appropriate. The evaluation will apply the evaluation criteria below by addressing the following questions:

Regarding the validity of the Design and Relevance: the extent to which the Project activities matched the priorities and policies of the target group, recipient and donor, the key questions will include:

- Did the Project respond to the real needs of the beneficiaries? Were the planned project objectives and intended results (i.e. outputs and outcomes) relevant and realistic to the situation and needs on the ground? Were the problems and needs adequately analyzed?
- Was the Project designed in a flexible way to respond to changes / needs that could occur during the implementation?
- Recommend (provide problem solving recommendations) specific objectives that should be addressed in future if the project was continued

Regarding Achievements and Implementation and Development Effectiveness, the extent to which the Project activities have attained its objectives:

- What were the development results (i.e. against planned outputs and outcomes) of interventions, taking into account the institutional development of the local and relevant national partners?

- Which aspects of the Project had the greatest achievements? What were the supporting factors? What are the main lessons learned from the partnership strategies and what are the possibilities of replication and scaling-up? How can the Project build or expand on achievements?
- To what extent UNDP's strategy, such as on partnerships or inter-programme collaboration, affected the efficiency of the interventions? What has been the added value of this partnership and collaboration?
- How have stakeholders been involved in Project implementation? How effective has the Project been in establishing ownership?
- To what extent has the project generated positive changes in the lives of targeted (and untargeted) women and girls in relation to the specific forms of violence addressed by the project?
- How has the role of UNDP added value to the project? If found relevant, how and in what areas should it be improved?
- To what extent was the project successful in advocating for legal and policy change towards increased respect for the rule of law and enhanced access to justice with a focus on protecting women's rights and promoting gender equality? In case the project was successful in setting up new policies and or laws, is the legal and policy change likely to be institutionalized and sustained?

Regarding effectiveness of management arrangements and efficiency of resource use: Efficiency will measure the Project outputs -- qualitative and quantitative -- in relation to the inputs. Key questions will include:

- Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve the relevant outputs and outcomes? Have resources been used efficiently?
- Were management capacities adequate?
- Assess the criteria and governance aspects related to the selection of beneficiaries and partners institutions, including NGOs.
- To what extent were capacity building initiatives for NGOs and CSOs adequate to ensure sustainability?
- What are the key changes in the lives of those women and girls? Please describe the changes.
- To what extent is the target group aware of SGBV services and their access to them?

In assessing the impact and sustainability of the Project, the evaluation will look at the positive and negative changes produced by the Project's development interventions, directly or indirectly, intended or unintended. This will involve the main impacts and effects resulting from the Project's activities on the local social, economic, environmental and other development indicators. The focus will be on both intended and unintended results and will also include the positive and negative impact of external factors, such as changes in terms of economic, political and financial conditions.

On sustainability the Project will measure whether the benefits of the Project's activities will likely continue after donor funding has been withdrawn.

Some of the key questions will include:

- To what extent were sustainability considerations taken into account in the execution and conduct of the Project's activities? Was there an exit strategy and, if so, what steps have been taken to ensure sustainability and to what extent the exit strategy was successfully implemented and why?
- Are the Project results, achievements and benefits likely to be durable? Are these anchored in national institutions and can the partners maintain them financially at the end of the Project?

- Can the Project approach and results be replicated and scaled up by national partners?
- How are the achieved results going to be sustained especially the positive changes generated by the project in the lives of beneficiaries including vulnerable groups such as women and girls?
- What elements of the project (in order of priority) should continue if further funding becomes available?
- What can we learn from the exit process for future justice projects when sustainability over time is one of the objectives? What support do stakeholders feel must be in place for them to continue the work themselves?
- Are there any potential best practices that can be replicated in other projects?
- To what extent coordination mechanisms were developed to strengthen coordination between IPs and between and between IPs and donors at national level?

4. Methodology of the Assignment

Based on UNDP guidelines for evaluations, and in consultations with UNDP Sierra Leone, the evaluation will be inclusive and participatory, involving all principal stakeholders into the analysis. The evaluation will consider the social, political and economic context which affects the overall performance of the outcome achievements especially EVD related factors that affected the Project achievements. During the evaluation, the consultants are expected to apply the following approaches for data collection and analysis:

- Key informant interviews with UNDP Senior Management and Project Staff;
- Desk review of relevant documents including evaluation reports, project progress reports and any records of the various opinion surveys conducted during the life of the Project;
- Interviews with partners and stakeholders, government officials, service providers including CSO partners, Development Partners and/or Donors, strategic partners in the justice sector among others.
- Field visits
- Briefing and debriefing sessions with the A2J staff and Project Board members.

The evaluators will have latitude to design a detailed evaluation plan and an evaluation design matrix showing methods of addressing key evaluation questions. They will submit a short inception report that will describe:

- How they understood the programme theory of change in developing the evaluation plan
- The detailed evaluation plan, indicating the methods to be used and information sources to be looked at for each evaluation question.

One team leader (an international consultant) and a national consultant will be recruited to conduct this evaluation. The presence of an international consultant is deemed desirable given the complexity and sensitivity of some of the issues concerned, and therefore to safeguard independence and impartiality of the evaluation. The evaluators will have the support of the Programme Management Support Unit and Governance Cluster in the country office, as well as the Country Office's Senior Management. At the outset, the Governance Cluster will provide the evaluators an overview of the projects, as well as the results of preliminary data collection and analysis, which will include contextual information, project and outcome monitoring data, and relevant documents including project documents, progress reports and evaluation reports.

5. Expected Outputs

The Evaluation Team is expected to deliver the following outputs:

- An Inception Report which describes the evaluation plan, design matrix, methodology, work plan and proposed structure of the report.
- A draft evaluation report.
- The consultants shall present the draft report to the Project Team and Senior Management and subsequently to the Project Board and Project stakeholders for validation.
- A Final report, including a 2-3 page executive summary, and with evidence-based conclusions on each of the evaluation objectives, as outlined above and lessons learned and key recommendations for future Justice/Rule of Law programmes in Sierra Leone. Annexes including among others the Terms of Reference for the evaluation as well as design matrix, theory of change, evaluation methodology and list of questions used during the interviews and list of key informants.
- A design of a new Rule of Law Programme for UNDP Sierra Leone in close collaboration with UNDP CO and the Access to Justice Project management (by the lead consultant)

6. Implementation Arrangements and Reporting Relationships

The consultants, with support from the Project Team shall be responsible for setting up meetings with all key stakeholders of the project, both government and non-governmental organizations. The Results Based Management Specialist will be the evaluation manager. The evaluators will report to the evaluation manager and the Access to Justice Project Manager.

A reference group will be established to enhance the quality of evaluation. The group will provide overall quality assurance support and work closely with the evaluation manager in reviewing the terms-of-reference, the inception report and the draft report. The reference group will be made up of the Project Manager, the Governance Team Leader and the Evaluation Manager.

7. Skills and Experience of the Consultants

The Consultants (1 international and 1 local-with the external consultant serving as lead consultant in the process) shall have the following skills and knowledge:

Skills

- At least seven (7) years' experience in conducting external project evaluations using different approaches and these will include non- traditional and innovative evaluation methods
- Expertise in gender and human rights based approaches to evaluation
- Specific evaluation experiences in the areas of rule of law and access to justice.
- Experience in collecting qualitative and quantitative data
- A strong commitment to deliver timely and high quality results, i.e. credible evaluation and report
- Strong team leadership and management track record
- Good interpersonal and communication skills, an ability to communicate with various stakeholders, and an ability to express ideas and concepts concisely and clearly;
- Good knowledge of the Sierra Leone justice system; a previous working experience in Sierra Leone will be an asset.

Knowledge:

- In-depth knowledge of rule of law programming with focus on gender equality and women's empowerment, and issues of violence against women and girls
- Regional/Country experience and knowledge: in-depth knowledge of Sierra Leone
- Language proficiency: fluency in English

8. Timeframe

The detailed schedule of the evaluation and length of the assignment will be discussed with the Consultant prior to the assignment. The estimated duration of the assignment is up to 6 weeks and the tentative schedule is as follows:

1. Desk review, inception methodology for evaluation and field work (1 week);
2. Preliminary Report and Validation of Preliminary Report (1 week);
3. Feedback from key stakeholders and UNDP and Final Report (1 week)
4. Design of the new Rule of Law Project and submission of new Prodoc-including potential discussion with Project Board (3 weeks).

DOCUMENTS FOR STUDY BY THE EVALUATORS

- UNDP Handbook on Planning Monitoring and Evaluation for development Results
- UNDP Guidelines for Outcome Evaluators
- Ethical Code of Conduct for Evaluation in UNDP
- UNDG Result-Based Management Handbook
- UN Joint Vision 2009-2012
- Outcome Evaluation of the Mobile Courts 2013
- UN Transitional joint Vision 2013-14
- UNDP CPAP 2008-2012 and 2013-14
- GoSL PRSP II, Agenda for Change, 2008-2012 and Agenda for Prosperity 2013-17
- Millennium Development Goals Reports 2011
- UNDP project documentation
- Irish Aid project documentation
- GoSL Project documentation

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