

# International Consultant to conduct Situational Assessment in areas of Rule of Law

<b>Location :</b>	Juba, SOUTH SUDAN
<b>Application Deadline :</b>	10-Oct-19 ( <b>Midnight New York, USA</b> )
<b>Additional Category :</b>	Democratic Governance and Peacebuilding
<b>Type of Contract :</b>	Individual Contract
<b>Post Level :</b>	International Consultant
<b>Languages Required :</b>	English
<b>Starting Date :</b>	15-Oct-2019
(date when the selected candidate is expected to start)	
<b>Duration of Initial Contract :</b>	30days
<b>Expected Duration of Assignment :</b>	30days

## Background

South Sudan's history is characterised with conflicts, weak governance systems, mismanagement of public funds, suboptimal service delivery, and weak economic growth. The signing of Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) in September 2018, coming at the backdrop of many failed attempts to restore peace since the December 2013, brought renewed impetus towards stabilizing the fragile situation in the country.

Emerging from an era of armed conflict, South Sudan lacks the institutional and professional capacity to immediately resume or establish a functional, effective and accountable justice and security system, or the means for rights bearers to access justice. Weak legal, regulatory, policy and institutional framework further hinders capacity of rule of law institutions to provide service in accordance with national and international standards of rights, justice and equality. Lawyers, judges, prosecutors, police personnel, prison personnel, legislators and civil servants operate in a dysfunctional system, where salaries, equipment and positive incentives are irregular, and where perceptions and commitment to legal imperatives have been battered.

Customary courts remain the choice for settling disputes, including family matters, community problems, land and resource issues, and those relating to women's rights. However, the degree to which customary justice systems contribute to better access to justice and increased realisation of rights is limited. Lack of due process, inconsistent and arbitrary or discriminatory decision making, non-compliance with national and international human rights standards, and humiliating or excessive punishments that can be prevalent in customary justice systems produces very unsatisfactory results.

Citizens lack access to fair, efficient and responsive justice systems which are key to effective governance and the rule of law. Without access to justice, people – especially the poor and disenfranchised – are unable to realize their rights, challenge discrimination, or hold decision-makers accountable. Citizen's inability to access the justice system provided for determination of rights and obligations is bound to result in denial of the guarantee contained in the Transitional Constitution of South Sudan (2011) both in relation to equality before law as well as equal protection of rights.

The high prevalence in SGBV in South Sudan will leave a legacy not only on individual survivors, but also on entire communities. Often, women are disempowered and deprived of their rights, voice and agency, which consequently increases their vulnerability. Moreover, women are often unaware of their rights, and often lack legal protection and access to mechanisms by which their grievances can be remedied. Where women are not able to claim their rights and obtain recourse for violations of their rights, establishing effective, efficient and fair justice systems is needed, for example, to ensure that women are able to seek justice when denied inheritance.

Having gone through decades of violence, South Sudan requires a holistic response to the recent widespread violence that fosters national healing and puts an end to the cycle of violence. The Access to Justice and Rule of Law Project seeks to address the above challenges by focussing on: a) Institutional capacity building through ongoing and entrenched technical assistance and training; b) Enhancing citizens' accessibility to justice through awareness raising initiatives to improve the understanding, attitudes and trust of the public in the ability of the State to provide quality justice services; c) Improving State accountability through monitoring of justice services and greater adherence to human rights

standards; d) Enhancing coordination and dialogue between State and non-State entities to improve the responsiveness of State policies to the needs of the people.; e) Enhancing the capacity of civil society actors to provide monitoring oversight of justice institutions, increasing their accountability and ensuring a human scope to government policy; and f) Advocacy on transitional justice priorities, and improved public legal awareness; all of which are critical to long-term peace and stability.

With funding from Netherlands, Japan, the Peacebuilding Fund, Germany, UNDP and Sweden, the current phase of the project started in October 2017 and will end on 31 March 2020. The geographic scope of the project is Torit, Yambio, Aweil, Juba, Wau and Bor. Aiming to strengthen the rule of law sector to increase and expand the availability, affordability, adaptability and acceptability of justice services in South Sudan, the project focusses on three outputs:

Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services. Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.

Human rights and transitional justice mechanisms strengthened to monitor and respond to the promotion and protection of citizen's rights.

To achieve these outputs, the project works closely with government, other UN agencies, and civil society organizations to implement project activities, deploys UN staff into the field to work closely with actors on the ground, and works with government at the highest levels to build legislative and regulatory capacity.

The project aligns with the following development frameworks: South Sudan 2040 Vision: promoting supremacy of the rule of law and separation of powers, recognition of human rights and fundamental freedoms, justice and equality for all, and promoting accountability and transparency in governance; Sustainable Development Goals (SDGs); mainly SDG 16 that aims to strengthening the rule of law, access to justice by vulnerable groups and promoting effective, accountable and inclusive justice institutions; UNDP Strategic Plan (2018-2021) Signature Solution 2: Strengthen effective, inclusive, and accountable governance. 2019-2021 United Nations Cooperation Framework and UNDP Country Programme Document; (CPD) outcome 1: "The South Sudanese population, particularly the most vulnerable groups, benefit from strengthened peace infrastructures and accountable governance at the national, state and local level."

Objectives of the Situational Assessment:

The current phase of the Access to Justice and Rule of Law Project that was contributing towards "increasing and expanding the availability, affordability, adaptability and acceptability of justice services in South Sudan" ends in March 2020. This assessment is being conducted to assess the situation of the rule of law sector to inform the next phase of the project.

Specific Situational Assessment objectives are to:

Provide UNDP with an up-to-date analysis of the Rule of Law Sector that will inform the design of the project document for the next phase by highlighting feasible and value adding programming areas and setting of baselines and targets.

Provide UNDP with evidence on the efficiency or weaknesses of the justice system after carrying out a gap analysis of the structures, mandate, personnel and funding of rule of law institutions and mechanisms.

Provide actionable policy and programmatic recommendations to address identified gaps and stakeholder needs in an inclusive manner.

## **Duties and Responsibilities**

Scope:

The Situational Assessment will cover the period of October 2017 -31 March 2019, in the following geographic locations; Torit, Yambio, Aweil, Juba, Wau and Bor. The assessment will cover programme conceptualisation, design, implementation, monitoring and evaluation of results while assessing the professionalism of the duty bearers and the level of satisfaction of the right holders as it will engage all project stakeholders – benefitting communities, relevant ministries and institutions of the Government of the Republic of South Sudan, project donors, UNDP, UN agencies, UN Mission in South Sudan, civil society organisations, local and national level infrastructures for peace, academia and other actors.

The situational assessment will also assess the synergy between the Access to Justice and Rule of Law Project and other

UNDP initiatives contributing towards the same outcome areas; Peace and Community Cohesion, Support to Public Administration and Recovery and Stabilisation.

#### Methodology:

The situational assessment will be carried out in accordance with UNDP guidelines and policies. The assessor will employ a combination of both qualitative and quantitative assessment methods including:

- Document review including a review of inter alia; project document (contribution agreement); theory of change and results framework; programme and project quality assurance reports; annual workplans; consolidated quarterly and annual reports; results-oriented monitoring report; highlights of project board meetings; and technical/financial monitoring reports.
- Semi-structured interviews with key stakeholders including key government counterparts, donor community members, representatives of key civil society organizations, UNCT members and implementing partners:

Key informant and focus group discussions with men and women, beneficiaries and stakeholders.

All interviews should be undertaken in full confidence and anonymity. The final situational assessment report will not assign specific comments to individuals.

- Surveys and questionnaires including participants in development programmes, UNCT members and/or surveys and questionnaires involving other stakeholders at strategic and programmatic levels.
- Field visits and on-site validation of key tangible outputs and interventions. The consultant is expected to follow a participatory and consultative approach that ensures close engagement with the UNDP focal points, implementing partners and direct beneficiaries.
- Other methods such as outcome mapping, observational visits, group discussions, etc.
- Data review and analysis of monitoring and other data sources and methods.

The final methodological approach including interview schedule, field visits and data to be used in the assessment should be clearly outlined in the inception report and be fully discussed and agreed between UNDP, stakeholders and the consultants.

- Situational Assessment Products/Deliverables

The consultant will be expected to deliver the following:

- Situational Assessment inception report (10-15 pages). The inception report should be carried out following and based on preliminary discussions with UNDP after the desk review and should be produced before the assessment starts (before any formal assessment interviews, survey distribution or field visits) and prior to the country visit.
- Situational Assessment debriefings. immediately following the assessment, UNDP may ask for a preliminary debriefing and findings.
- Draft assessment report (max 40 pages) UNDP and stakeholders will review the draft assessment report and provide an amalgamated set of comments to the assessor within 10 days, addressing the content required (as agreed in the inception report) and quality criteria as outlined in the UNDP guidelines.
- Assessment report audit trail. Comments and changes by the consultant in response to the draft report should be retained by the assessor to show how they have addressed comments.
- Final Situational Assessment report.
- Presentations to stakeholders.
- Assessment report brief and other knowledge products agreed in the inception report.

## Competencies

Core Competencies and values:

- Demonstrates integrity and fairness by modelling UN values and ethical standards;
- Demonstrates professional competence and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Display cultural, gender, nationality, religion and age sensitivity and adaptability;

- High sense of relational skills, including cultural, gender, religion, race, nationality and age sensitivity and adaptability, with a demonstrated ability to work in a multidisciplinary team.

#### Functional Competencies:

- Good knowledge and understanding of the UN system, familiarity with UNDP mandate an asset;
- Knowledge of issues concerning institutional/capacity assessment, organization development, etc;
- Thorough knowledge of results-based management and strategic planning processes;
- Excellent facilitation and communication skills;
- Wide experience in quantitative and qualitative data collection methods and –analysis including surveys, focus group discussions, key informant interviews etc;
- Ability to deal with multi-stakeholder groups;
- Ability to write focused assessment reports;

Strong interpersonal and managerial skills, ability to work with people from different backgrounds and evidence of delivering good quality assessment and research products in a timely manner.

## Required Skills and Experience

#### Education:

- Master's degree in law, public administration or related social science fields combined with capacity building work and institutional needs assessment;

#### •Experience:

- Minimum 10 years of experience in the areas of institutional and capacity needs assessment, monitoring and evaluation or capacity assessment in post-conflict context;
- Demonstrated managerial competence and experience in organizing, leading and coordinating multi-cultural technical assistance teams at the international level;
- Extensive experience and knowledge in conducting monitoring and evaluation;
- Knowledge of gender issues in institutional capacity assessment;
- Good understanding of key elements of result-based management/programming;
- Demonstrated capacity for strategic thinking and excellent analytical and writing skills;
- Initiative, ability to work independently, sound judgment and good interpersonal skills;

#### Language:

- Fluency in English with excellent oral, written, communication and reporting skills is required.

#### Implementation Arrangements:

The UNDP South Sudan Country Office will select the consultant through an open process in consultation with the partners. UNDP will be responsible for the management of the consultant. The consultant will work under the overall supervision of the Access to Justice Chief Technical Advisor and in coordination with the Programme Management Support Unit. The Project staff will assist in facilitating the process (e.g. providing relevant documentation, arranging visits/interviews with key informants, etc.).

The consultant will take responsibility, with assistance from the project team, for setting up meetings and conducting the assessment, subject to advanced approval of the methodology submitted in the inception report. The consultant will report directly to the designated focal point and work closely with the project team. The consultant will work full time, based in UNDP South Sudan and will be required to travel to the five conflict clusters as part of the Situational Assessment. Office space and limited administrative and logistical support will be provided. The consultant will use her/his own laptop and cell phone. UNDP will develop a management response to the assessment final report within 2 weeks of report finalization.

#### Scope of price proposal and schedule of payment:

The consultancy shall be paid the consultancy fee upon completion of the following milestones:

- 20% after adoption of the inception report;
- 30% after presentation of the draft situation assessment report and;
- 50% after the approval of the final reports;

The consultancy fee will be paid as Lump Sum Amount (inclusive of expenses related to the consultancy). The contract price will be fixed regardless of changes in the cost components.

Evaluation Criteria:

Technical Evaluation Criteria Score Weight;

- Master's degree in law, public administration or related social science fields combined with capacity building work and institutional needs assessment;30
- Minimum 10 years of experience in the areas of institutional and capacity needs assessment, monitoring and evaluation or capacity assessment in post-conflict context;30
- Extensive experience and knowledge in conducting monitoring and evaluation;Knowledge of gender issues in institutional capacity assessment;15
- Good understanding of key elements of result-based management/programming; 15
- Fluency in English with excellent oral, written, communication and reporting and analytical skills are required 10

Timeframe for the Situational Assessment Process

The Situational Assessment will be carried out over a period of 45 working days broken down as follows:

Deliverables Days

- Inception report 5
- Situational Assessment debriefing;
- Draft Situational Assessment Report 20
- Final Situational Assessment report 5
- Situational Assessment report audit trail
- Power point Presentation for stakeholders

Total number of working days 30.