

TERMS OF REFERENCE FOR THE EVALUATION OF THE UNDP RULE OF LAW CENTRES INITIATIVE IN MYANMAR

United Nations Development Programme



TERMS OF REFERENCE

EVALUATION OF THE UNDP RULE OF LAW CENTRES INITIATIVE IN MYANMAR

Assignment Title	International Evaluation Specialist (Team Leader) National Evaluation Consultant (Team Member)
Type of Contract	Individual Contract (International) Individual Contract (National)
Start/End Dates	3 July – 7 August 2017
Estimated working days	30 days
Supervisor	Programme Specialist, Rule of Law and Access to Justice
Location	Home-based with travel to Yangon, Nay Pyi Taw, Taunggyi, Myitkyina and Mandalay in Myanmar
Country	Myanmar

A. PURPOSE OF THE EVALUATION

In line with the evaluation plan of the Rule of Law and Access to Justice Output of the Democratic Governance Pillar, the UNDP Myanmar Country Office is commissioning an evaluation of its Rule of Law Centres Initiative (“the Initiative”) which is currently implemented in partnership with the International Development Law Organization (IDLO). This evaluation comes during the design of the new UNDP Country Programme 2018-2022 of UNDP and the implementation of the Phase II (July 2016-December 2017) of the Initiative and is intended to provide recommendations for the remainder of the project cycle as well as for how the Initiative should be taken forward under UNDP’s next country programme. The evaluation is expected to analyze progress and results that the Rule of Law Centres Initiative in the area of rule of law and access to justice has achieved in Myanmar under UNDP’s Rule of Law and Access to Justice Project, identify problems and constraints that have been encountered in project’s implementation, formulate important lessons to be learned, as well as assess its value for money. The evaluation will also be forward looking and provide concrete recommendations for the future design and implementation of Phase III, strategic direction and priorities for the centres and consider options for future delivery and implementation which promote ownership, sustainability and value for money. The evidence and information generated from this evaluation should enable the Rule of Law Centres, UNDP, the Government of Myanmar and relevant development partners, to make informed decisions and plan

strategically for future implementation including possible expansion both in terms of scope of work and geographical implementation. The evaluation is expected to be presented before the “National Coordinating Body for Rule of Law Centres and Justice Sector Affairs” and during the UNDP-supported International Justice Sector Reform Conference which will be held in the last quarter of 2017.

B. BACKGROUND AND CONTEXT

UNDP is currently implementing a Country Programme Action Plan (CPAP) 2013-2017 to support the political, economic and peace-building transition process of the country. In particular, under the Democratic Governance Pillar of UNDP Myanmar, the Rule of Law and Access to Justice Output has been designed in order to strengthen justice institutions to uphold the rule of law and protect human rights and equip them to develop and implement frameworks for justice sector reform that reflects the needs of diverse groups, especially women and vulnerable groups, and make justice service delivery more functional, accessible and fair. In particular, assistance to justice sector institutions has been structured around the key areas of: planning and coordination for a justice sector reform strategy that ensures access to justice for vulnerable groups; improving government recognition of the need for adequate participation from those affected to ensure laws respond to public needs; and providing judicial officials and law officers with the skills and tools they need in order administer justice in accordance with international human rights standards.

The CPAP ends in 2017, but a new Country Programme Document (CPD), which will be aligned to the new 2018-2022 United Nations Assistance Development Framework (UNDAF) for Myanmar, is under development, and UNDP expects to remain fully engaged in supporting Democratic Governance, including rule of law, access to justice and human rights.

The Rule of Law Centres Initiative

In 2013, the Parliamentary Rule of Law and Tranquillity Committee led by Daw Aung San Suu Kyi, established a Coordinating Committee to explore the utility of regional rule of law centres to help fill the gap in knowledge and skills of existing legal professionals through providing intensive legal training. The Committee requested UNDP to carry out a feasibility study to determine the feasibility of such an initiative in 2014. Based on the study’s recommendation, the Committee requested UNDP to implement a pilot series of trainings.

The Pilot Project was implemented by a consortium led by the International Development Law Organization (IDLO) and including Avocats Sans Frontières (ASF) and Bridges Across Borders South East Asia Community Legal Initiative (BABSEA-CLE). Under this Project, pilot series of rule of law trainings were delivered for the benefit of 78 lawyers, civil society representatives and law teachers, and community outreach activities were implemented in Mandalay, Mandalay Region and Lashio, Shan State for a six-month period completing in March 2015.

Building on the experience and lessons learned during the Pilot Phase, in Phase I, between July 2015 and June 2016¹, UNDP and IDLO, together with partner ASF, established four Rule of Law Centres, including

¹ In June 2016, UNDP and IDLO submitted an options paper for Phase II of the ROLCs to the Office of the State Counsellor and the Attorney General recommending to expand the number of centres to Sittwe, Rakhine State and Hpa-An, Kayin State, with a specialized center in Nay Pyi Taw (2017). In relation to the center to be established in Sittwe, a Feasibility Study was conducted by UNDP and submitted to the Office of the State Counsellor in September 2016. However, due to the resumption of the conflict and the increase of communal tensions in Rakhine State since October 2016, the planned expansion was suspended. In addition, due to lack of additional funds, the center in Hpa-An could also not be set up.

legal resource libraries, in Mandalay, Myitkyina, Taunggyi², and Yangon. The Centres focus on two core activities: (i) providing training in rule of law principles and linking them to Myanmar law and local justice priorities, for lawyers, law teachers and civil society representatives; and (ii) supporting community outreach initiatives to strengthen public legal awareness. These activities emphasize innovative and interactive learning, and build common culture of values and knowledge around justice and collaboration between different groups.

At the request of the Union Attorney General and Myanmar State Counsellor's Office, UNDP and IDLO began implementation of Phase II in July 2016, expanding the scope and reach of programming with expanded training and outreach activities and a broader range of beneficiary groups, including local government officials. In line with the current Letter of Agreement (LOA) with IDLO, Phase II will come to an end on the 31st of December 2017.

It has been designed to increase trust and cooperation between justice providers and the communities they serve and around achieving the following three outcomes:

1. Communities have increased knowledge of their rights and demonstrate an increased ability to access judicial and administrative remedies;
2. Justice institutions and service providers apply rule of law principles in their work, including gender standards; and
3. Dialogue between communities and Government actors leads to increased cooperation to address local justice problems and inform justice sector reform.

Against this background, in February 2017, following consultations with key stakeholders, a "National Coordinating Body for Rule of Law Centres and Justice Sector Affairs" was formed by the Union Government, with the Attorney General appointed as its Chair. It has met twice, and is comprised of members of the Parliament, Director General from the Office of the Supreme Court of the Union, senior officials at various ministries whose jurisdiction includes aspects of the justice sector or law enforcement, and members of civil society and the private bar. The Coordinating Body is expected to oversee the rule of law sector of the country, including overseeing and providing strategic direction to the Initiative.

Within this context, UNDP is seeking a team of individual consultants to conduct an independent evaluation of the project, for a period of 30 days commencing on the 22nd of May 2017 per requirements set forth in this Terms of Reference (TOR).

C. SCOPE

The evaluation is intended to assess the degree to which the Rule of Law Centre Initiative (Phase I & II) has been able to deliver against the overall goal, the outcomes, the deliverables and the strategies and implementation mechanisms being applied in project implementation. In particular, the evaluation is

² The evaluation of the Initiative in Taunggyi and Myitkyina shall be conducted in light of the situation of protracted displacement and humanitarian crisis which are a result of the resumption of armed conflict in Kachin and Northern Shan State in June 2011, marking the collapse of a 17-year ceasefire. In the two states, more than 99,242 people remain displaced in 188 camps/sites, of which about 77 percent are women and children. About 43 percent of the displaced people are located in areas beyond Government control where international actors have limited humanitarian access but where local humanitarian organizations continue to be able to operate, despite increasing constraints (Myanmar Shelter, NFI, CCCM Cluster Analysis Report Kachin and Northern Shan States, December 2016; Humanitarian Response Plan (Myanmar) January –December 2017, United Nations and Partners, Humanitarian Country Team, December 2016)

expected to assess relevance, effectiveness, efficiency, sustainability, progress and results of the Rule of Law Centre Initiative, identify problems and constraints that have been encountered in project's implementation, formulate important lessons to be learned, as well as assess its value for money. The evaluation shall also assess if the Initiative is still relevant under the current national priorities of the rule of law and justice sector and shall consider strategic linkages to the relevant focus areas of the new CPD. Finally, the evaluation shall provide recommendations for the future design and implementation of Phase III and future interventions in support to the rule of law and justice sector, including suggestions for strategic priorities, delivery options and modalities of implementation that promote sustainability, increased efficiency, effectiveness, civic engagement and national ownership. The evaluation is also expected to assess to what extent the project applied the human rights based approach and addressed gender and conflict sensitivity issues in its design and implementation.

The evaluation will consider Rule of Law Centers' engagement in the rule of law and access to justice sector of Myanmar since the inception of Phase I of the Initiative in 2015 to date and will cover the geographic locations where the project has presence namely: Mandalay Region (Mandalay), Shan State (Taunggyi), Kachin State (Myitkyina) and Yangon Region (Yangon).

The evaluation is expected to take into consideration, the feedback garnered from relevant government and justice sector actors, at both Union and States/Regions level, including but not limited to: justice institutions employees, government counterparts, legal professionals, civil society organizations, UNDP staff and management, IDLO staff and management, Rule of Law Centres staff and management, donor representatives, UNDP program teams under the democratic governance portfolio and Rule of Law and Access to Justice Output, and collaborating UN agencies. The evaluation will also take into consideration the feedback from civil society organizations and all beneficiary institutions and selected beneficiaries of Rule of Law Centres' activities, including rule of law and specialized legal trainings, outreach activities, mobile trainings, round table discussions, community forums, etc.

D. EVALUATION OBJECTIVES AND CRITERIA

This evaluation is intended to provide UNDP with an objective assessment of Rule of Law Centers' work in the area of rule of law and access to justice in delivering against goal, outcomes and deliverables of Phase I and Phase II as articulated in the Letter of Agreements (LOAs) between UNDP and IDLO. It shall provide clear recommendations for the rest of the current project cycle and recommendations for the future direction of any new project interventions, including a Phase III cycle. The findings of the evaluation should:

- Provide a full assessment of relevance, effectiveness, efficiency, sustainability, progress and results of the Rule of Law Centres Initiative since the launch of Phase I in 2015
- Provide a complete analysis and evaluation of the key results and impact indicators as set out in the LOAs TORS and in the related implementation work-plan and M&E frameworks developed
- Provide a comprehensive overview of the project's key challenges and lesson learned
- Provide an assessment of the project's value for money, including the optimal use of resources to achieve the intended overall goal, outcomes and deliverables
- Provide guidance on the current state of the project intervention in order to inform future decisions regarding the strategic direction of the Rule of Law Centres Initiative and a possible future project in line with government's priorities in the rule of law and justice sector and also the new UNDP Country Programme. This will include:

- provide clear recommendations on future design and implementation of Phase III and future interventions of the Initiative in support to the rule of law and justice sector in Myanmar
- provide suggestions for strategic priorities, delivery options and, modalities of implementation, to ensure increased sustainability and national ownership and maximize results in the rule of law and justice sector of the country
- Assess whether the current focus areas that the project is engaged in are the most relevant for the improvement of rule of law and justice sector in Myanmar and whether the Rule of Law Initiative is well positioned to effectively and efficiently support the vision and priorities of Myanmar in the rule of law sector and meet the needs for access to justice of the people of Myanmar, including for increased civic engagement
- Assess the extent to which the project has integrated conflict sensitivity into its components, particularly in locations affected by ongoing conflicts and protracted displacement, has applied a human rights-based approach and has addressed the issues of gender inclusion, women's equality and empowerment, and the extent to which gender perspectives have been mainstreamed into the design and implementation of the project;
- Identify any activities which should be expanded; and any 'quick win' initiatives that the Rule of Law Centres should engage in; determine whether there are certain activities that the Rule of Law Centres should not be engaged in or pursue
- Identify risk factors that may hinder progress and propose risk mitigation/management strategies to ensure success and effective implementation.

The evaluation will be guided by the following criteria and questions:

Relevance:

- 1) To what extent is the Rule of Law Centres Initiative's work in rule of law and access to justice consistent with and responding to current and emerging national and local policies, priorities and needs of the intended beneficiaries?
- 2) To what extent does this work sustain the current vision and priorities of Myanmar and its people in the rule of law and justice sector, support public participation and trust, prevent conflict and promote peace, increase community's engagement and contribute to protecting human rights, including gender equality and empowerment, as well as addressing discrimination against, inequality and/or exclusion of marginalized and vulnerable groups?
- 3) To what extent is the Initiative's work relevant under the proposed new UNDP Country Programme 2018-2022? What are the relevant linkages that the Initiative shall develop with the key focus areas of the UNDP Country Programme to ensure increased results and promote further development in the rule of law and justice sector?

Effectiveness:

- 1) How effective have the Initiative's strategies and activities been towards achieving the project's intended results?
- 2) What were the major factors influencing the achievement or non-achievement of the objectives?
- 3) Has the Initiative successfully leveraged its partnerships with relevant governmental agencies, civil society and other beneficiaries?
- 4) What observed changes in the rule of law and access to justice sector can be attributed in general terms to Initiative's activities and outputs, particularly at local level?
- 5) How should the development approach/theory of change adjust for future programming?

- 6) What role can the Initiative play in future in ensuring that rule of law and access to justice play a positive role in conflict prevention, resolution and transformation in locations affected by ongoing conflicts?

Value for Money & Efficiency:

- 1) Have UNDP resources (funds, expertise, time, staffing) available to the project been utilized in the most appropriate and economic way possible towards the achievement of results?
- 2) Have inputs been procured at the least cost for the relevant level of quality and benefits distributed fairly?
- 3) How have partnerships influenced the efficiency of the project in delivering against its portfolio?
- 4) What realistic new delivery options the project shall consider to maximize efficiency and cost-effectiveness?

Sustainability:

- 1) To what extent will the benefits of the Initiative's work in this area continue?
- 2) Is the level of national ownership and the measures that serve to enhance national capacity enough to guarantee the sustainability of results?
- 3) What were the major factors which influenced the achievement or non-achievement of sustainability or non-sustainability of the project?
- 4) Is there a resource mobilization strategy in place for the project to ensure the continuation of benefits? Are national partners contributing financial and other resources towards the continuity of the results of this program? Are there public/private partnerships in place?

Progress & Results:

- 1) What benefits to beneficiaries can be directly attributed to the Initiative's work in rule of law and access to justice?
- 2) What are the key progress and results of the Initiative in the rule of law and justice sector and the direct or indirect effect on human rights, conflict prevention, human development and people's well-being? What are the direct or indirect, intended or unintended changes that can be attributed to project's assistance?
- 3) Does the Initiative strategy apply a rights-based approach to programming?
- 4) To what degree has the Initiative advocated for equality and inclusive development, included a gender sensitive approach and prioritized gender equality issues, including SGBV, and contributed to empowering and addressing the needs of disadvantaged groups and vulnerable populations in Myanmar?

Project's delivery options:

- 1) What new delivery options, including, if necessary, alternative modalities of implementation, the project shall consider to ensure increased sustainability, promote national ownership, improve communities' engagement and maximize results in the rule of law and justice sector of the country?

E. EXPERTISE REQUIRED

The evaluation team will be comprised of two (2) persons with the skills, knowledge and expertise detailed below:

1. International Evaluation Specialist (Team Leader)

- Master's degree in law, political science, development studies or a Bachelor's degree with additional 8 years' experience in development studies, political science or related field
- Proven expertise and experience in conducting several evaluations and project/program assessments in the field of rule of law and access to justice, especially in conflict-affected contexts
- Technical knowledge and experience in UNDP thematic areas, specifically in rule of law, and cross cutting issues such as gender, sustaining peace/conflict prevention, rights-based approaches to programming and capacity development is an asset
- Prior experience of working in Myanmar on rule of law and justice issues is strongly desirable
- Strong analytical skills
- Strong interpersonal skills
- Ability to work in a multicultural environment
- Strong English language skills (both written and spoken)

2. National Evaluation Consultant (Team Member)

- Master's degree in law, political science, development studies or a Bachelor's degree in these (or related) fields with additional 5 years' experience
- Knowledge and demonstrable experience in the field of rule of law and access to justice is highly desirable
- Proven expertise and experience in conducting evaluations and project/program assessments is highly desirable, especially in conflict-affected contexts
- Fluency in spoken and written Myanmar language
- Excellent command of the English language (written and spoken) is required
- Strong analytical skills
- Myanmar national

The Team Leader will be responsible for:

- Providing overall leadership on the independent evaluation of the Rule of Law Centers Initiative based on inputs and insights from the national consultant
- Conducting desk reviews of relevant documents and interview with government partners, UN / UNDP staff, IDLO staff, Rule of Law Centers staff, donors and other partners
- Reviewing the relevance, effectiveness, efficiency, sustainability, value-added and progress of the Rule of Law Centers Initiative in Myanmar and propose strategic project's delivery options
- Identifying whether or not the Initiative has achieved its intended results (based on the strategic outcomes and workplans) and recommend strategic recommendations as required by this TOR
- Ensuring completion of all the deliverables outlined below: evaluation inception report, draft evaluation report, evaluation brief (if required) and final evaluation report
- Presenting the findings and recommendations of the draft final evaluation report as agreed with UNDP before the government partners, UN / UNDP, IDLO, Rule of Law Centers, donors and other partners

The Team Member will be responsible for:

- Providing inputs and insights (based on the context of justice and rule of law in Myanmar) to the independent evaluation of Rule of Law Centers Initiative in Myanmar

- Participating in meetings with governments counterparts, UN/UNDP staff, IDLO, donors and other partners with the Team Leader
- Providing support and assistance to finalize the mission agenda, meetings and required visits
- Provide inputs to the deliverables: inception report, draft evaluation report, evaluation brief and final evaluation report
- Providing Myanmar language interpretation and translation for meetings as required, in order to ensure clear communication between the international consultant and meeting participants

F. DELIVERABLES

The evaluation team will be expected to produce the following deliverables:

1. Evaluation Inception Report: Prior to embarking on the data collection exercise, the evaluation team will be required to prepare an inception report which details the understanding of what is being evaluated and why; and how it proposes to answer the evaluation questions.
2. Draft Evaluation Report: The team will be required to submit a draft evaluation report for review to UNDP to ensure that it meets the required quality criteria.
3. Evaluation Brief: If required, the team will be requested to present the initial findings and recommendations of the report to UNDP, Myanmar government counterparts, donors, and other justice sector development partners, as appropriate.
4. Final Evaluation Report: Following receipt of UNDP's initial comments, the team will be required to submit a final report which clarifies and addresses any clarifications requested in the initial review.

G. MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

- The consultants will report to the Programme Specialist, Rule of Law/Access Justice on a weekly basis as work against deliverables progresses. They will be accountable to UNDP on the timeliness and quality of the deliverables
- The consultants will be required to review documents and consult with UNDP senior management and rule of law and justice team members to better understand the project, including its design process, implementation aspects and expected results;
- The consultants will be required to conduct interviews with UNDP staff, IDLO staff, rule of Law Centers staff, government counterparts, implementing partners, donor representatives, justice sector actors, project's beneficiaries and other parties relevant to this evaluation, as identified by UNDP
- The consultants are expected to work closely and collaboratively with UNDP staff in Yangon, Nay Pyi Taw, Mandalay, Taunggyi and Myitkyina for the duration of this assignment
- UNDP will secure government (and other counterpart) cooperation for this assignment, including visas and travel authorization
- UNDP will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries
- The consultants will be entitled to apply for reimbursement of costs associated with necessary work-related in-country travel in accordance with UNDP's travel policy
- The consultants are responsible for providing their own laptop computers and mobile phones for use during this assignment

UNDP will also provide the following support as appropriate:

- Substantive inputs to and quality control of deliverables

- Administrative and logistical support with travel and transport arrangements, visas, and processes necessary for successful completion of the assignment
- UNDP will arrange the consultants' in-country work-related travel
- UNDP will provide office/work space to the consultants while in Myanmar

H. DUTY STATION

- This consultancy will be home-based with mission travel to some of the locations in Myanmar as deemed appropriate for the purpose of this evaluation: Yangon, Nay Pyi Taw, Taunggyi, Myitkyina and Mandalay
- The consultants may be required to travel to other locations in Myanmar for the purposes of this evaluation. This will be determined by the Programme Specialist, Rule of Law/Access to Justice

I. TIMEFRAME

- The contract will come into effect on 3 July 2017 and end on 4 August 2017
- The consultant will work for a period of **30 work days** within the dates indicated as per the tentative schedule below:
 - Home-based work: **4 days (3 July – 6 July)**
 - Preparation for mission, review of background documents, inception report
 - Mission to Myanmar: **19 days (10 July - 28 July)**
 - Field visits, interviews, etc.
 - Presentation of initial findings and recommendations to UNDP and selected audiences
 - Home-based work: **7 days (29 July – 4 August)**
 - Finalization of report
 - Submission of final report: **7 August**

J. COST

Interested persons are requested to submit their financial proposals as a **lump sum amount** noting the following conditions:

- The lump sum amount must be “all-inclusive” and further broken down by category as detailed below
 - All costs (professional fees, travel costs, living allowances, communications, consumables, etc.) required to perform the demands of the TOR must be incorporated in the financial proposal*
- The contract price is fixed regardless of changes in the cost components
- The consultant will be entitled to a full fare economy class return ticket in order to travel to/from Myanmar to fulfill the requirements of this terms of reference

The consultant will be paid according to the completion of deliverables as detailed below:

	Deliverables/ Outputs	Target Due Dates	Percentage of Contract
1	Upon arrival in Myanmar, submission of inception report and preliminary meetings held with UNDP, IDLO, Rule of Law Centers and partner institutions - To cover flight costs and initial costs of living in Myanmar	10 July 2017	20%

2	Presentation of initial findings and draft report to UNDP	27 July 2017	30%
3	Submission of Final Evaluation Report	7 August 2017	50%
	Total		100%

K. RECOMMENDED PRESENTATION OF OFFER:

Interested persons are requested to submit the following documents:

- 1) **Letter of Confirmation of Interest and Availability** using the template provided by UNDP
- 2) **Personal CV** indicating all past experience as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references
- 3) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided by UNDP

L. CRITERIA FOR SELECTION OF THE BEST OFFER

The following criteria shall serve as basis for evaluating offers:

- Combined Scoring Method - where the qualifications and experience will be weighted a maximum of 70% and combined with the price offer which will be weighted a maximum of 30%
- Applications will be scored as per the following breakdown:
 - Educational background and years of relevant experience - 20 points
 - Relevant experience and expertise in rule of law programming and access to justice- 30 points
 - Prior experience of working in Myanmar and/or transitional contexts - 20 points
 - Proven expertise and experience in conducting evaluations and project/program assessments - 30 points
 - Financial proposal - 30 points

M. EVALUATION ETHICS

This evaluation will be conducted in accordance with the principles outlined in the United Nations Evaluation Group Ethical Guidelines for Evaluation (2008) and the UNEG Code of Conduct for Evaluation in the UN System'. See attached annexes for reference.

N. ANNEXES - REFERENCE DOCUMENTS

1. Letters of Agreements between UNDP-IDLO
2. Rule of Law Centers Feasibility Study, UNDP, March 2014
3. Rule of Law Centres: Options and Recommendations for Phase II (July 2016- December 2017)
4. Feasibility Study on the Establishment of a Rule of Law Centre in Sittwe, Rakhine State, 2016
5. Rule of Law Centers Pilot Project Evaluation, UNDP, May 2015
6. Rule of Law Centers quarterly narrative reports and final project report
7. Rule of Law Centers foundation training curriculum materials
8. Rule of Law Centers communication materials, including newsletters, fact sheets, outreach activities reports, training reports, mobile training reports
9. Evaluation of the Rule of Law and Access to Justice Output in Myanmar, UNDP, August 2016
10. Rule of Law/Access to Justice annual workplans (2015 - 2017)
11. Rule of Law/Access to Justice quarterly and annual reports (2015-2017)
12. Rule of Law and Access to Justice Results and Resources Framework (2014 - 2017)
13. UNEG Ethical Guidelines for Evaluation / Code of Conduct (2008)