



TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INTERNATIONAL CONSULTANCY FIRM

GENERAL INFORMATION

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|-----------------------------------|---|
| Services/Work Description: | External Terminal Evaluation of the Transitional Justice & Human Rights Project |
| Project/Program Title: | Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanisms that promote reconciliation and sustainable peace in The Gambia, accessible on http://mptf.undp.org/factsheet/project/00105727 |
| Post Title: | International Consultancy Firm |
| Consultant Level: | Specialist |
| Duty Station: | The Gambia |
| Expected Places of Travel: | Field visits in The Gambia. |
| Duration: | 45 working days |
| Expected Start Date: | 1 July 2021 |

I. BACKGROUND

Former President of The Gambia, Yahya Jammeh, went into exile on 21 January 2017, leaving behind a legacy of human rights abuses, near empty coffers, and an institutional vacuum. He ruled for 22 years with an iron fist and little regard for democratic and human rights principles. Scores of political figures, journalists, civil society activists and students were harassed, detained, tortured, murdered, made to disappear, or forced into exile during his regime. Freedom of expression, association and assembly were severely restricted, several critical media houses were shut down and justice institutions were systematically manipulated to preserve his power.

Following the tension-filled but peaceful transfer of power from former President Jammeh to President Adama Barrow on 21 January 2017, an urgent need arose in The Gambia for reforms that promote democratic governance, respect for the rule of law and human rights, socio-economic recovery, sustainable development, and peace. In February 2017, during a UN Inter-Agency Mission to The Gambia, the Government highlighted several, key reform priorities in the security sector, including, setting up a transitional justice mechanism, ensuring the respect of human rights and restoring confidence to the judiciary and law enforcement institutions. Three months later, the Government of The Gambia approved Project no. 00105687 “*Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanisms that promote reconciliation and sustainable peace in The Gambia*” (TJHR Project),

with funding from the UN Peacebuilding Fund (PBF), and UNDP and OHCHR as implementing agencies.

The TJHR Project aims to support The Gambia in its effort to deal with legacies of past human rights violations and abuses, and to help the delivery of truth, justice, and healing for victims and communities. It is the Project's theory of change that *if* the legacy of past human rights violations and abuses is addressed in a comprehensive, inclusive, principled, rights-based, victim-centered manner, *then* the healing of past grievances will be promoted, *and* the Gambian population can build new confidence and trust in State institutions. In this regard, key project partners include the Ministry of Justice, the National Assembly, the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC) and civil society organizations (including Women in Leadership and Liberation (WILL), African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), Transitional Justice Working Group (TJWG), The Girl's Agenda, Nova Scotia Gambia, AIDS Free World and International Centre for Transitional Justice (ICTJ).

II. PROJECT DESCRIPTION AND MANAGEMENT

The first phase of the Project supported the Government in developing a comprehensive and inclusive strategy for accountability for past abuses, in setting up the Truth, Reconciliation and Reparations Commission (TRRC), which is mandated to foster healing and national reconciliation. During this phase, the Project also focused on strengthening the human rights institutional framework in The Gambia, including establishing a National Human Rights Commission (NHRC), a National Mechanism for Reporting and Follow-up (NMRF) and a National Assembly Select Committee on Human Rights and Constitutional Matters. The second phase of the Project has provided catalytic support in the form of institutional and technical capacity-building to operationalize the key institutions established to help the country begin to build a strong culture of respect for human rights in The Gambia, as well as dedicated support to TRRC victims and other marginalized groups such as women and children to fully participate in the TRRC process.

The Project is managed by a Project Management Unit (TJHR-PMU), comprised of both UNDP and OHCHR staff, housed at the UN Projects Office in Kololi, The Gambia. OHCHR has the overall responsibility of quality control regarding the technical aspects of the Project, whilst UNDP retains responsibility for quality control over project management aspects.

Phase 1 of the Project commenced on 17 May 2017 and completed on 31 October 2018. Phase 2 commenced on 1 November 2018, and was due to close on 31 October 2020, but was subsequently extended for 7 months to finally conclude on 30 June 2021. The total Project duration is thus 49 months with a total budget of \$4,699,999. Although the TJHR-PMU has been based in Kololi, project activities have been implemented throughout the country in partnership with the TRRC and the NHRC. The TRRC, has held several community dialogues on reconciliation, as well as dialogues aimed at capturing women's knowledge and perceptions about the TRRC. Three regional, public hearings were also held in Jambur, Sibanor and Essau, on the topic of state sanctions witch-hunts in 2009.

The TJHR Project includes 15 outputs spread across 5 outcome areas, namely:

- a) development of a national strategy on transitional justice,
- b) provision of basic, essential capacity and knowledge on transitional justice to key state institutions and civil society organisations,
- c) operationalization of the Truth, Reconciliation and Reparations Commission,

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- d) increased proactivity of civil society, particularly victims associations, in transitional justice, and
- e) enhanced respect for human rights.

The Project Document also includes a sixth outcome area on instituting a Secretariat for coordination and quality assurance of all PBF projects in The Gambia, but this outcome area was included in the TJHR Project out of administrative convenience - the TJHR Project being the first PBF funded project in The Gambia and therefore, being the most suitable at the time to house a mini-PBF Secretariat in The Gambia. This outcome is not included in the scope of this evaluation.

The TJHR Project's Governing Board and Technical Committee, both chaired by the Ministry of Justice, oversee the management of the Project, and advise on technical matters, respectively. The TJHR PMU also works in collaboration with a wide range of domestic and international actors and organizations on transitional justice (including, but not limited to, the International Centre for Transitional Justice (ICTJ), Human Rights Watch (HRW), Justice Rapid Response (JRR), Search for Common Ground, Institute for Integrated Transitions (IFIT) and IDEA International) in the implementation of its activities and in support of the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC), other state institutions and civil society organizations (CSOs) promoting the national transitional justice and human rights agenda.

II. SCOPE OF THE WORK

At the end of a project, the United Nations Peacebuilding Fund requires an independent external evaluation be undertaken, to gauge its level of implementation and achievement of results, challenges, gaps, and lessons learnt therefrom. The purpose of this consultancy is thus to undertake a terminal evaluation of the TJHR Project to assess the project relevance, effectiveness, efficiency, sustainability and impact on the national institutions, processes, and beneficiaries, either directly or indirectly (based on the OECD DAC recommended guidelines and criteria and in accordance with UNEG standards).

It is envisaged that this terminal, external evaluation of the TJHR Project shall be conducted by an International Evaluator working closely with a National Evaluation team, based on a complementarity of skills and experiences advantageous for this kind of evaluation.

The evaluation has five key objectives:

1. To assess the contribution of the project activities to the realization of project objectives and outcomes by determining how relevant, efficient, effective, and sustainable the project is.
2. To identify and provide analysis of the factors that have either positively or negatively affected/impacted the project beneficiaries.
3. To recognize any possible catalytic effects of the project.
4. To assess the project's contribution towards national strategies on transitional justice and human rights, as well as peacebuilding, including its contribution towards strengthening Government-led coordination and planning in this sector.
5. To provide recommendations for improving UN support to transitional justice and human rights in The Gambia, including the country's sustainable peace agenda on transitional justice and human rights.

The following questions shall guide the scope of the evaluation (the evaluation report will not need to address each question individually but can group them as appropriate, in the interests of best structure and avoiding repetition):

On relevance:

- Is the theory of change based on valid assumptions and has the project's conflict analysis remained valid?
- Did the project address relevant key causes and drivers of conflict and fragility?
- Have interventions been flexibly adapted over time to respond to the needs in the sector?
- What is the relevance of project interventions as perceived by beneficiaries, the local population (including women, men and young people), and external observers (including age and sex disaggregated data)?
- To what extent have project interventions reflected strategic, national considerations and priorities on transitional justice and human rights, and/or influenced national policies on legal reforms and human rights protection?

On effectiveness:

- To what extent has the project achieved its outcomes and outputs, including with regards to progress against the result framework indicators? What were the main factors that have led to good or poor result achievement?
- What is the evidence that the process of developing the transitional justice strategy was consultative (including a wide range of government, civil society, religious, and traditional stakeholders), inclusive of marginalized groups, gender-sensitive, and victim-centered?
- What evidence is there to support the notion that the project has contributed towards an improvement in national capacities, including institutional strengthening and the capacities of civil society organizations, on transitional justice and human rights? What factors enhanced or impeded the project's performance?
- Which partners (national and international delivery partners, civil society, and private sector) have the project worked effectively with, and why?
- Has the project used innovative techniques and best practices during implementation, and what results and lessons learnt were derived from doing so?

On efficiency:

- Were the project's approaches and resources (human, financial and organizational) sufficiently sensitive to the political and development constraints of The Gambia?
- Were alternative approaches considered during the design and implementation of project interventions?
- What was done to ensure cost efficiency of interventions?
- Did interventions typically substitute, complement or duplicate any existing initiatives?
- How did the monitoring and evaluation systems employed contribute to the overall efficiency and effectiveness of the project?
- How did the project complement other initiatives in transitional justice and how well did it coordinate with other stakeholders to ensure greatest synergy?

On sustainability:

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- How has the project contributed to the establishment and operationalization of new institutions designed to address conflict and fragility?
- Has the project contributed to building national capacities on transitional justice and human rights?
- Has the project contributed to the momentum for peace by encouraging communities to develop their own peace initiatives?
- To what extent has the building of ownership and participation included both men, women and youths?
- Has the project generated its catalytic effects to bring other donors (both national and international) to continue to maximize its core objectives?
- Was partnership building a cornerstone of project design and implementation, and if yes, how have partnerships ensured long-lasting effects and sustainability of project gains?

On impact

- What are the effects of the project (primary, secondary, direct, indirect, positive, negative, intended, unintended, immediate, long-term, short-term, and lasting)?
- Has the project exerted a significant effect on key factors affecting conflict or peace, as discussed in the project conflict analysis?
- Is there evidence to suggest that the project has positively affected attitudes, behaviors, relationships, or practices on transitional justice and human rights in The Gambia?
- Has the project achieved its stated (or implicit) purpose, or can it reasonably be expected to do so based on its outputs and outcomes?
- What major factors contribute to the achievement or non-achievement of project objectives?
- How have project interventions achieved different results for women, men and boys and girls?

The evaluation should also include an assessment of the extent to which project design, implementation and monitoring have taken the following cross cutting issues into consideration:

On human rights:

- To what extent have the project design and implementation process influenced to human rights of children, youth, women, persons with disabilities, older persons, and other marginalized groups? To what extent have children, youth, women, persons with disabilities, older persons and other marginalized groups benefitted from the activities?

On gender equality:

- To what extent has gender equality been addressed in the design, implementation, and monitoring of the TJHR Project?

III. METHODOLOGY

Overall guidance on outcome evaluation methodology can be found in the UNDP Handbook on Monitoring and Evaluating for Results, as well as the UNDP Guidelines for Outcome Evaluators. The evaluation should include align with the OECD DAC Evaluation guidelines

Prospective Firms should propose a suitable methodology to be used given the scope of the TJHR Project and the evaluation, which is participatory, conflict and gender-sensitive, and can be completed within the duration of the consultancy (45 working days).

As part of the evaluation methodology however, the evaluation team is expected to:

- Hold consultations with the senior management and relevant programme staff of UNDP, OHCHR and the UN Resident Coordinator's Office (including the PBF Secretariat).
- Undertake a desk review of relevant documents.
- Hold consultations with the Government (Ministry of Justice), DSPD and other stakeholders (TRRC, NHRC, National Assembly Standing Committee on Human Rights and Constitutional Matters and civil society organizations).
- Conduct interviews with direct beneficiaries, including victims of human rights violations and TRRC members and stakeholders, and/or complete survey questionnaires.
- Conduct field visits to Project sites and partner institutions.

The evaluators will be provided with the following documents as part of the evaluation process:

- Project documents (Phase 1, Phase 2 and its amendment)
- Project progress reports (December 2017 to June 2021)
- Conflict and Development Analysis Reports of The Gambia (2018 and 2019)
- National Strategy on Transitional Justice
- Perception Study on Transitional Justice and the Truth, Reconciliation and Reparations Commission
- Monitoring reports
- Integrated Results Framework with project baselines and targets, as well as progress reports against project indicators

IV. EXPECTED OUTPUTS AND DELIVERABLES

The evaluators will produce an inception report containing an evaluation matrix presenting the evaluation questions, data sources, data collection, analysis tools and methods to be used. The inception report should detail the specific timing for evaluation activities and deliverables and propose more detailed methodology, including specific site visits and stakeholders to be interviewed and how they will be identified. Interview protocols for different stakeholders should be included in the Inception Report. The Inception Report will be reviewed and endorsed by the Evaluation Reference Group before the field collection component begins.

A draft evaluation report will be shared with stakeholders, including the Peacebuilding Support Office in New York, and presented in a validation workshop, which the UNDP Country Office will organize, possibly virtually depending on the ongoing COVID-19 situation. Feedback received from these sessions are to be considered when preparing the final report. In so doing, the Firm should produce an 'audit trail' indicating whether and how each comment received was addressed in revisions to the final report.

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| No. | Deliverables / Outputs | Estimated Duration to Complete for each consultant | Review and Approvals Required |
|------------|--------------------------------------|---|--------------------------------------|
| 1 | Inception report | 7 working days | Evaluation Reference Group |
| 2 | Draft terminal evaluation report | 30 working days | Evaluation Reference Group |
| 3 | Validation meeting with stakeholders | 2 working day | Evaluation Reference Group |
| 4 | Final terminal evaluation report | 6 working days | Evaluation Reference Group |

V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

An Evaluation Reference Group will be established for the purposes of this consultancy, to review and endorse deliverables. The UNDP Governance Programme Unit shall maintain a communication channel between the Evaluation Team and the Evaluation Reference Group during the consultancy.

The Evaluation Reference Group will include the Ministry of Justice, the National Human Rights Commission, a representative from civil society, OHCHR, UNDP, RCO and PBSO.

VI. LOGISTICS AND ADMINISTRATIVE SUPPORT

UNDP will offer both administrative and logistics support, including setting up meeting appointments with stakeholders and meeting collection and drop off arrangements. Personal protective equipment (face masks and hand-sanitizers), as well as social distancing guidelines, would be adhered to during in person meetings.

At the time of the development of these ToRs, a directive by The Government of The Gambia recommends that meeting gathering do not exceed 10 persons, and all persons encouraged to use face masks and frequently sanitize their hands. Though it is not envisaged that evaluators shall travel into The Gambia from abroad, it is noteworthy that travel into and out of The Gambia is subject to the presentation of a negative COVID-19 test taken within 72 hours of travel. A positive COVID-19 test result shall be subject to a mandatory quarantine period of 14 days in The Gambia, at an individual cost.

Overall, the current, national COVID-19 protocols are not expected to disrupt the envisages activities of this consultancy, including travel to project sites and holding meetings with regional project beneficiaries. However, it is recommended that the Associate Evaluator not only be a national, but also resident in The Gambia during the consultancy period, since field visits are required and COVID-19 travel protocols may pose international travel inconveniences, especially should a person test positive and be subject to a 14-day mandatory quarantine.

VII. DURATION OF THE WORK

The duration of the consultancy is 45 working days, spread over a period of 60 days.

VIII. EVALUATION TEAM COMPOSITION AND REQUIRED QUALIFICATIONS AND COMPETENCIES

This consultancy is to be undertaken by an International Consultancy Firm. It is envisaged that the evaluation will be undertaken by at least 2 evaluators, comprised of an International Evaluation Manager/Team Leader and a National Associate Evaluator, based in The Gambia.

The Evaluation Manager will have overall responsibility for the quality and timely submission of the draft and final evaluation report. Specifically, the Evaluation Manager will perform the following tasks, possibly from a distance:

- Lead and manage the evaluation process.
- Develop the inception report, detailing the evaluation scope, methodology and approach.
- Ensure that the project evaluation is conducted in accordance with the proposed objective and scope of the evaluation, and UN evaluation guidelines.
- Draft and present the draft and final evaluation reports.
- Lead the presentation of draft findings in the stakeholder workshop.
- Finalize the evaluation report and submit it to UN.

The Evaluation Manager/Team Leader shall possess the following minimum qualifications and competencies:

a. Academic Qualifications:

- Master's degree in economics, political science, international development, public administration, social science, evaluation, or related field.

b. Years of experience:

- Minimum of 15 years of experience in public sector development, including in the areas of democratic governance, regional development, gender equality and social services.
- Minimum of 10 years of relevant, professional experience conducting evaluations for government and/or international development agencies.
- Previous experience conducting an evaluation of a peacebuilding project or in a peacebuilding setting.
- Any experience on transitional justice or human rights projects would be considered advantageous.

c. Competencies:

- Sound knowledge of results-based management systems, and monitoring and evaluation methodologies, including experience in applying SMART indicators.
- Demonstrated ability to design and lead evaluations, using a wide range of evaluation approaches and tools.

d. Language and other skills:

- Excellent knowledge of English, including the ability to set out a coherent argument in presentations and group interactions.

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- Capacity to communicate fluently with different stakeholders (civil society, government authorities, local communities, project staff).
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications will be required.
- Fluency in one or several local Gambian languages would be advantageous.

e. Compliance of the UN Core Values:

- Demonstrates integrity by modelling the UN's values and ethical standards.
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

It is recommended that the Associate Evaluator not only be a national, but also resident in The Gambia during the consultancy period, since field visits are required and COVID-19 travel protocols may pose international travel inconveniences, especially should a person test positive and be subject to a 14-day mandatory quarantine.

The Associate Evaluator will, *inter alia*, perform the following tasks:

- Review documents.
- Participate in the design of the evaluation methodology.
- Assist in carrying out the evaluation in accordance with the proposed objectives and scope of the evaluation.
- Conduct field visits, data collection and interviews.
- Draft related parts of the evaluation report as agreed with the Evaluation Manager.
- Assist the Evaluation Manager to finalize the draft and final evaluation report.

The Associate Evaluator shall possess the following minimum qualifications and competencies:

a. Academic Qualifications:

- Master's degree in economics, political science, international development, public administration, social science, evaluation, or related field.

b. Years of experience:

- Minimum of 7 years of experience in public sector development, including in the areas of democratic governance, regional development, gender equality and social services.
- Minimum of 5 years of relevant, professional experience conducting evaluations for government and/or international development agencies.
- Previous experience conducting an evaluation of a peacebuilding project or in a peacebuilding setting.
- Any experience on transitional justice or human rights projects would be considered advantageous.

c. Competencies:

- Sound knowledge of results-based management systems, and monitoring and evaluation methodologies, including experience in applying SMART indicators.
- Demonstrated ability to design and lead evaluations, using a wide range of evaluation approaches and tools.

d. Language and other skills:

- Excellent knowledge of English, including the ability to set out a coherent argument in presentations and group interactions.
- Capacity to communicate fluently with different stakeholders (civil society, government authorities, local communities, project staff).
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications will be required.
- Fluency in one or several local Gambian languages is required.

e. Compliance of the UN Core Values:

- Demonstrates integrity by modelling the UN's values and ethical standards.
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

Note: The Evaluation must be carried out in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation' and sign the Ethical Code of Conduct for UNDP Evaluations. Evaluators must be free and clear of perceived conflicts of interest. To this end, proposed consultants will not be considered if they were directly and substantively involved, as an employee or consultant, in the formulation of UNDP and OHCHR strategies and programming relating to the outcomes and programmes under review.

IX. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Firms must submit both a Technical and Financial Proposal. Applications 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 proposal is:
 - a. 70% for the Technical criteria
 - b. 30% for the Financial criteria

An all-inclusive fee is to be included as part of the Financial Proposal. The term 'all-inclusive' implies that all costs (professional fees, travel related expenses, communications, utilities, consumables, insurance, etc.) that could possibly be incurred by the Firm is factored into the financial proposal. Under this arrangement, the contract price will be fixed regardless of change in the cost components. Payments will be made only upon confirmation by UNDP on delivering on the contract obligations in a satisfactory manner. The table below indicates the criteria and scores attached:

| Criteria | Weight | Max. Point |
|---|---------------|-------------------|
| Technical Competence (based on CVs, Proposal, and interview (if required)) | 70% | 100 |
| <ul style="list-style-type: none"> ▪ Criteria a. Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal | 35% | 50 |
| <ul style="list-style-type: none"> ▪ Criteria b. Technical competence | 17.5% | 25 |
| <ul style="list-style-type: none"> ▪ Criteria c. Relevant Experience | 17.5% | 25 |
| Financial (Lower Offer/Offer*100) | 30% | 30 |

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| Total Score | Technical Score * 70% + Financial Score * 30% |
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X. PAYMENT MILESTONES AND AUTHORITY

The successful Firm shall receive its service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

| Installment of Payment/ Period | Deliverables or Documents to be Delivered | To be approval by | Percentage of Payment |
|---------------------------------------|--|--------------------------|------------------------------|
| 1 st Installment | Submission of inception report | DRR | 20% |
| 2 nd Installment | Submission of draft report | DRR | 50% |
| 3 rd Installment | Submission and approval of final report | DRR | 30% |

XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

- Selected Evaluators 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.

This TOR is approved by:

Signature: *Abdou Touray*

Date: 27-May-2021

Name and Designation: Abdou Touray, Programme Specialist – Governance a.i.