



SUPPORT TO IMPLEMENTATION OF THE JUSTICE SECTOR REFORMS PROJECT

TERMS OF REFERENCE FOR END OF PROJECT EVALUATION

Location:	Maseru and Home based
Application Deadline:	26 May 2022
Type of Contract:	Individual Contract
Post Level:	International Consultant
Languages Required:	English
Starting Date:	1 June 2022
Duration of Initial Contract:	Up to 20 days
Expected Duration of Assignment:	1 June 2022 – 10 July 2022

I. Background

UNDP is the UN global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. It works with individual countries on their own solutions to global and national development challenges. UNDP has recently initiated a new Country Programme (2019-2023) anchored on the Lesotho National Strategic Development Plan (NSDP II), the UNDAF (2019–2023) and guided by the UNDP Strategic Plan (2018–2021). The Programme comprises three pillars: (i) Governance, Accountability, Social Cohesion and Stability; (ii) Sustainable and Inclusive Economic Growth and (iii) Environmental Sustainability, Climate Change and Resilience. UNDP Lesotho supported the Government of Lesotho in the implementation of the Lesotho National Dialogue and Stabilization Project as part of its Country Programme, Outcome 1: *By 2023, government and non-governmental institutions deliver their mandates and uphold good governance, rule of law and human rights, with all people having improved access to justice and participating in social and political decisionmaking processes in a peaceful environment.*

II. Project Overview

UNDP in partnership with the Judiciary of the Kingdom of Lesotho, in collaboration with Southern African Development Community (SADC) and other stakeholders with funding from the European Union has been implementing the Support to Implementation of the Justice Sector Reforms Project. The Project contributes toward finding a lasting solution to the history of cyclic instability, security disturbances, volatile political environment, worsening socio-economic indicators and generalised governance inadequacies that have characterise the Kingdom of Lesotho since independence. These challenges are compounded by piecemeal interventions that have failed to fully address fundamental governance issues. In the recently concluded national dialogue on reforms – 2019, the justice sector was singled out as a critical area requiring transformation due to inefficiency, underperformance and inability to meet the justice needs of the Basotho. The justice sector limitations were predicated on three factors that impede the independence of the Judiciary, namely: 1) separation of powers and resource constrains, 2) weak internal institutional safeguards leading to negative public perception and, 3) lack of external institutional support exacerbated by a hostile political environment.



Following recommendations by the Southern African Development Community to transform Lesotho, the Government of Lesotho with support from, the United Nations, the Delegation of the European Union and other stakeholders instantiated a national dialogue and reforms process to address these underlying weaknesses with a view to transform and stabilise Lesotho. The national dialogue and reforms process generated consensus on the reforms content as well as an institutional framework for their implementation. A major immediate intervention to end impunity and stabilise the security sector was the need for expeditious execution of impartial investigations and fair trial of security sector related crimes, where foreign Judges have been deployed to support the speedy resolution of criminal trials.

The national consensus on reforms content with institutional framework for implementation, the on-going investigations and trials of security sector related crimes present an immense opportunity for Lesotho to transform, stabilize and achieve sustained peace for prosperity. The Support to Implementation of the Justice Sector Reforms Project was therefore conceived as part of the overall support to broader Lesotho national reforms agenda. Specifically the Project seeks to achieve:

- i) Impartial, efficient and expeditious disposal of high-profile security related criminal cases including adopting innovative virtual case hearing capabilities in the judiciary for enhance stability in Lesotho and;
- ii) Efficient and effective project management

The Project supports the impartial, efficient, and expeditious disposal of high-profile criminal cases for security sector stabilization and strengthen the justice sector by improving and expanding the availability, accessibility of quality justice service delivery. The Project contributes to the implementation of broader justice sector reforms. These measures shall include enhancing separation of powers through strengthening judiciary institutions, streamlining traditional justice system, removing bias and discriminating in justice deliver, and improving external support to judiciary. The approach adopts a people-centered, rights-based and gender responsive support to justice in which the project empowers individuals and communities to seek solutions and for the institutions to provide them with high quality services throughout their justice journey.

To address the challenges of shortages of judges and the perceived biases of local judges, the project shall availed experienced foreign judges from SADC Member States to adjudicate on the highly sensitive criminal matters. The European Union financial assistance leveraged the commitment by SADC Member States to release the required judicial resources and the desire by the Government of Lesotho to accept foreign judges to impartially adjudicate over the sensitive criminal cases.

At the national level, the Project is fully aligned with the justice sector reform agenda of Lesotho. By anchoring it within the national framework and engaging national ownership at the political, civil society and grassroots level, the Project was designed to be a key instrument by which development partners can both influence and contribute to the realization of national priorities in the justice sector.



The project builds on a wide range of established partnerships and capitalizes on the extensive reach of UNDP, the European Union and other partners in the country. Aware of the range of different actors and stakeholders in promoting justice, UNDP involved other UN entities including OHCHR, UN Women and UN DPPA through direct engagement and where appropriate, strategic partnerships. UNDP also nurtures relations with key donors and international partners including the European Union, South Africa and the SADC.

The Project works closely with government partners in the Judiciary; Ministry of Law and Justice; Lesotho Mounted Police; Lesotho Correctional Service; Law Reform Commission; and civil society. All interventions build upon existing institutions to enable government to better deliver a policy framework and justice services at the community level and create a foundation from which the government and other national actors can carry forward initiatives in a sustainable and ever-improving fashion beyond the lifecycle of the project.

UNDP is commissioning an end of project evaluation for the Support to Implementation of the Justice Sector Reforms Project to facilitate accountability for results and resources invested in the project. The evaluation will also assess the partnerships across agencies, global, regional, and local environment and comparative value and positioning of UNDP. UNDP is thus soliciting for Expression of Interest from individual consultants to undertake an end of project evaluation.

III. Evaluation purpose, scope and objectives

Purpose

This evaluation is undertaken as part of the UNDP program management requirements to assess the extent to which the Support to Implementation of the Justice Sector Reforms Project has met its objectives, to provide evidence of UNDP's contribution towards outcome achievements, impact and role played and partnerships developed. Apart from UNDP, the results of this evaluation will be used by the Government of Lesotho, The European Union, SADC, Development Partners, Civil Society Organisations, Political Parties, Faith-Based Organisations and other stakeholders for informing future programming actions.

Objectives

The overall objective of the end of project evaluation, is to assess processes and achievements made with focus on the entire implementation period and draw lessons and apply them to possible follow-on assistance activities. The evaluation will detail lessons learnt that will apply in the next phase of the implementation of the reforms. Specifically, the evaluation will assist UNDP, development partners and Implementing Partners to:

- Establish the extent to which the planned and related objectives, outcomes and results of the Support to Implementation of the Justice Sector Reforms Project have been or are being achieved;
- The relevance, efficiency and effectiveness of the project in achieving its objectives, outcomes and results;
- Assess the factors affecting the project implementation, outputs and its sustainability, including contributing factors and constraints;
- Assess UNDP's strategy used in making contribution to the outcome, including on the use of partnerships for implementation and programming arrangements;



- Examine the extent to which gender, human rights and other cross-cutting issues were considered in the project's design, implementation and monitoring;
- Establish lessons from implementation of the project and;
- Make recommendations for improving the design, effectiveness, efficiency, sustainability and mainstreaming of gender and other cross-cutting issues in future programming.

Scope

The evaluation will be conducted in May to June 2022, covering the implementation phase of the project. The evaluation will cover the project implementation period from the 1st May 2019 to 30 March 2022. It will also consider project results achieved through various project stakeholders and beneficiaries, and consider activities in different geographic locations, through effective sampling for evaluation. The evaluation will include achievements made by the Government of Lesotho and the Judiciary.

IV. Evaluation criteria and key guiding questions

The End of Project evaluation seeks to answer the following questions, focused around the evaluation criteria of relevance, effectiveness, efficiency and sustainability:

Relevance

- To what extent is Support to Implementation of the Justice Sector Reforms Project's engagement in high-profile cases a reflection of strategic considerations, including its role in the development context in Lesotho and its comparative advantage vis-a-vis other partners?
- To what extent has Support to Implementation of the Justice Sector Reforms Project's selected method of delivery been appropriate to the development context?
- To what extent has the implementation of the Support to Implementation of the Justice Sector Reforms Project been influential in decisions for access to justice in Lesotho?
- To what extent were considerations for gender equality and women's empowerment integrated in the design of the project?
- To what extent has gender been addressed in the design, implementation and monitoring of Support to Implementation of the Justice Sector Reforms Project?

Effectiveness

- What evidence is there that Support to Implementation of the Justice Sector Reforms Project support has contributed towards an improvement in national government capacity Impartial, efficient and expeditious disposal of high-profile cases?
- To what extent has Project promoted positive changes in gender equality? Were there any unintended effects?
- Has Project been effective in helping establish mechanisms for comprehensive political reforms and national reconciliation at national and local levels? Do these local results aggregate into nationally significant results?
- Has the Project worked effectively with other UN Agencies and other international and national delivery partners to deliver project objectives?



- How effective has Project been partnering with different stakeholder constituencies, including civil society and the private sector, media, political parties to promote effective and active participation in the reforms and reconciliation efforts in Lesotho?
- Has the Project utilized innovative techniques and best practices in its programming?
- Extent to which UNDP is perceived by stakeholders as a strong advocate for improving government effectiveness and integrity in Lesotho through implementation of the Project?
- Considering the technical capacity and institutional arrangements, did the Project provide adequate basis for Impartial, efficient and expeditious disposal of high-profile cases in Lesotho?
- What contributing factors and impediments enhance or impede the Project's performance?

Efficiency

- Are the Project's approaches, resources, models, conceptual framework relevant to achieve the planned outcome? Are they sufficiently sensitive to the political and development constraints of the country (political stability, post crisis situations, etc.)?
- Has the Project's strategy and execution in these 3 areas been efficient and cost effective?
- Has there been an economical use of financial and human resources?
- Are the monitoring and evaluation systems that Project has in place helping to ensure that the Project is managed efficiently and effectively?
- Were alternative approaches considered in designing the Project?

Sustainability

- What is the likelihood that the interventions undertaken through the Project for Judiciary are sustainable?
- What mechanisms have been set in place by the Project to support the government of Lesotho to sustain improvements made through these interventions?
- How should the project results be utilised to enhance stakeholder engagement and potential to a more united Lesotho with a commitment to implement justice sector reforms?
- What changes should be made in the current set of partnerships in order to promote long term sustainability?

Partnership strategy

- Has the partnership strategy adopted for the Project been appropriate and effective?
- Are there current or potential complementarities or overlaps with existing national partners' programmes?
- How have partnerships affected the progress towards achieving the project outputs
- Has the Project worked effectively with other international delivery partners to deliver on project outputs and initiatives?
- How effective has the Project been in partnering with civil society, media, the private sector and other national stakeholders to promote justice sector reforms?

Based on the above analysis, the evaluators are expected to provide overarching conclusions on the implementation of the Project, its results, as well as recommendations on how UNDP could



adjust its programming, partnership arrangements, resource mobilization strategies, and capacities in this area to ensure that it is positioned for sustainable results in the future. The evaluation is additionally expected to offer wider lessons for UNDP support on the governance and peacebuilding portfolio in Lesotho and elsewhere.

V. Methodology

The evaluation is expected to review and validate the project's "theory of change" (TOC) to provide a contextual framework for examining relevant elements of the project including the causal links between interventions and the components of the Project. Evidence obtained and used to assess the results of the Project support should be triangulated from a variety of sources, including verifiable data on indicator achievement, existing reports, reviews and technical papers, stakeholder interviews, focus groups, surveys and site visits.

The Consultant should also adopt methodological approaches likely to yield most reliable and valid feedback to the evaluation questions, scope of the assignment, and gender analysis. The evaluation team should take into consideration both qualitative and quantitative approaches, encompassing all or some of the following:

Desk review of relevant documents, including the following:

- Project document (contribution agreement).
- Theory of change and results framework.
- Programme and Project quality assurance reports.
- Annual workplans.
- Activity designs/concept notes.
- Consolidated quarterly and annual reports.
- Results-oriented monitoring report.
- Highlights of project board meetings.
- Technical/financial monitoring reports

Data Collection and Analysis

- Evaluation questions around relevance, effectiveness, efficiency, sustainability and design for different stakeholders to be interviewed.
- Key informant and focus group discussions with beneficiaries and stakeholders. All interviews should be undertaken in full confidence and anonymity, without assigning specific comments to individuals
- Semi-structured interviews with key stakeholders including key government counterparts, UN agencies, the European Union, development partners, SADC and representatives of key civil society organizations,
- Discussions with senior management, Project team and Project staff. The evaluator is expected to follow a participatory and consultative approach that ensures close engagement with the evaluation managers, implementing partners and direct beneficiaries. ▪ Field visits to selected Ministries, Departments and Agencies ▪ Data analysis methods and software (where necessary).



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

VI. Evaluation products (deliverables)

The Consultant will be expected to deliver the following:

Inception report (10 – 15 pages).

One week after contract signing, the Consultant should produce an inception report, considering the following:

- The inception report is expected to outline the evaluators' understanding of the assignment, how each of the evaluation questions will be answered, proposed methodologies for analysis and data collection, as well as proposed data sources.
- The inception report should also include the evaluation matrix to summarize evaluation criteria and process, indicators/success standards, and methods for data analysis as well as an outline of anticipated risks and management plan.
- The report should detail the specific timing for evaluation activities and deliverables and propose specific site visits and stakeholders to be interviewed. Protocols for engaging different stakeholders should be developed.
- The inception report should be discussed and agreed with the UNDP office and the evaluation team before the evaluators proceed with site visits.
- The evaluators should also propose in the inception report a rating scale to assess the evaluation criteria and to standardize assessments.

Draft evaluation report

Produce a draft evaluation report consistent with the evaluation Terms of Reference and Inception Report,

- A preliminary debriefing shall be required by UNDP Management prior to finalisation of draft report.
- The draft report shall be reviewed by implementing partners, Project management team and the Evaluation Advisory Committee to ensure that the evaluation meets the required quality criteria and standards, and purpose and objectives are fulfilled.
- Feedback received from these sessions should be considered when preparing the final report. The evaluators will produce an 'audit trail' indicating whether and how each comment received was addressed in revisions to the final report.

Presentation to stakeholders.

Presentation of a draft evaluation report to key stakeholders, (partners and beneficiaries). A debriefing report, presentation and list of partners and stakeholders who participated/contributed to the evaluation will be submitted to the Evaluation Manager.



Final evaluation report (maximum 50 pages, excluding annexes).

Prepare the final report, taking into consideration all comments and inputs made by the implementing partners, and the Evaluation Advisory Committee to formulate the final evaluation report. The Report format shall follow the UNDP Evaluation Guidelines suggested table of contents for reports.

Evaluation brief

A technical report of the evaluation covering main findings, lessons learnt, conclusions and recommendations of the evaluation

VII. Scope and duration of the assignment

Table 1: Scope of deliverable and duration

Deliverables	Estimated duration to complete	Targeted Due Date	Approvals and Reviews Required
Deliverable 1. Inception Report containing – a) Interpretations of Terms of Reference; b) Methodology and Evaluation Matrix; c) Workplan and Milestones; d) Budget	5 working days	10 June 2022	UNDP
Deliverable 2. Draft evaluation report – a) Evaluation and stakeholder engagement; b) Draft Report; c) Debriefing with UNDP; d) Draft Final Report incorporating feedback.	10 working days	25 June 2022	UNDP
Deliverable 3. Stakeholders validation workshop and Final Report – a) Circulation of Draft Report to Stakeholders; b) Stakeholders Validation Workshop; c) Final Report incorporating stakeholders.	2 working days	30 June 2022	UNDP
Deliverable 4. Exit Report and Evaluation Brief–; a) Technical Brief/popular version of the evaluation; b) Exit Report	3 working days	10 July 2022	UNDP



VIII. Evaluation team composition and required competencies

General: It is proposed that the evaluation is undertaken by One International Consultant. The evaluator shall be experts in evaluating development programmes and projects with specific emphasis on governance and peacebuilding sub-sector. They should not have been associated with the formulation and engaged in the implementation of the project

The International Consultant will be responsible for overall production of reports at all stages of the evaluation process; data collection, analysis of the stakeholder feedback, quality and timely submission of the evaluation reports to UNDP. The consultant should have experience in programme design and development, results-based evaluation based on feasible and substantive methodological approach maximised on data collection, collation; synthesis and stakeholder engagement.

Education: Advanced University Degree in Monitoring and Evaluation or: Governance; Social Sciences; Project Management or other related fields.

Experience:

- At least 10 years of experience in programme evaluations and proven accomplishments in undertaking evaluations for international organizations;
- At least 7 years of solid experience in democratic governance and peacebuilding programming and evaluation, Development Management, Capacity Development, Partnerships and gender; local development and RBM
- Consultant should have sound knowledge and understanding of democratic governance and local development in Lesotho, and
- Proven experience and expertise in conducting program or projects evaluations.
- Further experience working with international organizations and evaluating UNDP programmes and projects is an asset.
- Some knowledge of the Lesotho political context will be an added advantage

Language: Fluency in spoken and written English with good report writing skills. Samples of previous written work may be required.

IX. Evaluation ethics

Consultants must sign the Ethical Code of Conduct for UNDP Evaluations and must be free and clear of perceived conflicts of interest. According to this, *“The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners.”*



Interested consultants will not be considered if they were directly and substantively involved, as an employee or consultant, in the formulation of UNDP strategies and programming relating to the LNDSP project under review. The code of conduct and an agreement form to be signed by each consultant.

X. Institutional Arrangement

- **Evaluation Manager:** - The Consultant will be engaged by UNDP and becomes directly responsible to UNDP Country Office (CO). UNDP CO management is ultimately responsible and accountable for the quality of the evaluation process and products under the leadership of the UNDP Deputy Resident Representative and direct supervision of the Project Manager. The Project Manager will be the focal point for the assignment and shall be responsible for engaging and debriefing the evaluation team, reviewing the inception report and ensuring compliance to the UNDP ethics and code of conduct for outcome evaluations.
- The UNDP CO will select the evaluator through an open process and will be responsible for the management of the evaluator. The CO Management supported by the Project Manager will take responsibility for the approval of the final evaluation report. The Monitoring, Reporting and Evaluation Officer, in consultation with the Project Manager, will arrange introductory meetings within the CO and with partners, avail relevant documentation, and arranging visits/interviews with key informants. The Consultant, with help from Project Management Team, will take responsibility for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The CO management will develop a management response to the evaluation within two weeks of report finalization.
- **The Evaluation Advisory Group:** A five - member Evaluation Advisory Group comprising of key stakeholders from the Judiciary, Ministry of Law and Justice, Ministry of Development Planning, Delegation of the European Unions and UNDP will work closely with the evaluation manager. The advisory group will guide the evaluation by advising the manager on evaluation design and reviewing the TOR and reviewing the draft report to enhance its quality, credibility and utility. This group will review the inception report and the draft evaluation report to provide detail comments related to the quality of methodology, evidence collected, analysis and reporting. The group will also advise on the conformity of evaluation processes to the UNEG standards. The evaluation team is required to address all comments of the Panel completely and comprehensively. The Consultant will provide a detail rationale to the advisory panel for any comment that remain unaddressed
- **Evaluation Team:** Will comprise of the Consultant who did not work for UNDP or were not involved as national partners and were not involved in the design or implementation of the project. S/He is responsible for producing the evaluation report.
- **The Quality Assurance Team:** The quality assurance team is external to the evaluation, consisting of the Regional Evaluation Advisors at the Regional Bureau and Regional Service Centre. They will critically review the documents and provide advice on the evaluation



- The evaluation will use a system of ratings standardizing assessments proposed by the evaluators in the inception report. Performance rating will be carried out for the four evaluation criteria: relevance, effectiveness, efficiency and sustainability.

The CO will provide some logistical support during the evaluation, for instance assisting in setting interviews with senior government officials, and arrangement of travel to and from project sites. Planned travels and associated costs will be included in the Inception Report and agreed with the CO.

XI. Scope of Proposal and payment schedule

Table 2. Payment Schedule

Deliverables	Estimated duration to complete	Targeted Due Date	% of lump sum to be paid
Deliverable 1. Inception Report containing – a) Interpretations of Terms of Reference; b) Methodology and Evaluation Matrix; c) Workplan and Milestones; d) Budget	5 working days	10 June 2022	15
Deliverable 2. Draft evaluation report a) Evaluation and stakeholder engagement; b) Draft Report; c) Debriefing with UNDP; d) Draft Final Report incorporating feedback.	10 working days	25 June 2022	45
Deliverable 3. Stakeholders validation workshop and Final Report – a) Circulation of Draft Report to Stakeholders; b) Stakeholders Validation Workshop; c) Final Report incorporating stakeholders.	2 working days	30 June 2022	30
Deliverable 4. Exit Report and Evaluation Brief –; a) Technical Brief/popular version of the evaluation; b) Exit Report	3 working days	10 July 2022	10
TOTAL	20 May 2022 – 31 June 2022	1 June 2022 – 10 July 2022	100%



XII.

Recommended Presentation of Offer

- P11 indicating all experience from similar projects, as well as the contact details (e-mail and telephone number) of at least three (3) professional references using the template provided by UNDP (Annex I)
- Letter of Confirmation of Interest and Availability using the template provided by UNDP (Annex II)
- Methodology – Brief description of why the individual considers him/herself as the most suitable for the assignment and a detailed methodology on how they will approach and complete the assignment.
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs using template provided by UNDP (Annex III)

XIII. Criteria for Selecting the Best Offer

Cumulative analysis

The award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- 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.

* Technical Criteria weight; 70%

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 70 points would be considered for the Financial Evaluation

<i>Criteria</i>	<i>Total Point 100</i>
<u>Technical</u>	
Demonstrated experience in programme evaluations and proven accomplishments in undertaking evaluations for international organizations including UNDP	20
Must have at least an Advanced Degree/Master's Degree, PhD preferred with equivalent experience in Monitoring and Evaluation, Governance and Peacebuilding, Law, Social Sciences, Project Management or other closely related field	10
Previous similar experience in justice sector reforms, governance and peacebuilding programming and evaluation, Development Management, Capacity Development, Partnerships and gender; local development and RBM	20



<i>Methodology</i> – internal and external validity; reliability; logical/theoretical framework; data, analysis and presentation	30
Experience in large-scale complex evaluations of projects supporting national dialogue and reforms processes; governance programmes and or formulating justice sector reform projects	15
Computer Skills – proficiency in Microsoft Office Suit, Statistical packages and Fluency in written and oral English	5
Total	100

XIV. Annexes to the TOR

1. Confirmation of Interest and Availability Template
2. P11 Template

OFFERS WITH THE REQUIREMENTS LISTED ABOVE TO BE SUBMITTED TO:

United Nations Development Programme
The Resident Representative,
REF: END OF PROJECT EVALUATION
United Nations Road
3rd Floor UN House
P.O. Box 301
MASERU, LESOTHO
Tel: +266-2222-8127/+266-2222-8106
Email: ls.procurement@undp.org

XV. Approval

Approved by:

Name: **Nessie Golakai-Gould**

Designation: **Deputy Resident Representative**

DocuSigned by:

 Signature: -----
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Date: 11 May 2022