

TERMS OF REFERENCE

Evaluation of the Project “Enhancing the Capacity of the Judiciary of South Sudan”

1. Background

The institutional capacity of the justice system in South Sudan remains low, rule of law is weak, existing laws are not consistently applied, access to justice is very poor, and human rights are still far from being fostered or protected. The Judiciary of South Sudan (JOSS) is the most visible face of the formal justice system for most South Sudanese. The Judiciary has been challenged by the adoption of an English-language, Common Law legal system that differs dramatically from the Arabic-language, civil/Sharia law system of northern Sudan in which most justices and judges were trained. The South Sudan Legislative Assembly has also promulgated important new laws with which judges need to become familiar to ensure their implementation.

The project endeavored to contribute to building the capacity of the Judiciary of South Sudan to fairly and efficiently interpret and apply the laws and Constitution of South Sudan and administer justice in criminal and civil cases. The project also aspired to increase the public’s confidence in the Judiciary and its administration of justice.

2. The Project Outcomes and Outputs:

Overall Project Objective:

Improved quality and delivery of judicial services in line with the laws and Constitution of South Sudan and international human rights standards.

Specific Objectives:

- (a) Increased capacity of the Judiciary of South Sudan to design, organize, and deliver high quality judicial training.
- (b) Enhanced capacity of South Sudan’s High Courts and County Courts to fairly, effectively and efficiently administer justice in civil and criminal cases.

Outputs:

1. An organizational structure and training program for the Judicial Training Institute are designed in line with regional best practices and approved through a consultative process.
2. Judicial personnel possess increased knowledge of the English language and function-specific subjects.
3. Judges, particularly in remote areas, have increased access to legal resources containing relevant laws, precedents and procedures.

For more detailed information on the project’s results framework and background, the original project’s Terms of Reference are annexed and as such constitute an integral part of the Terms of Reference for this evaluation.

3. Purpose of the Evaluation

The purpose of the evaluation is:

- i. To provide an independent assessment of the project and to measure the extent to which the expected results were achieved;
- ii. To identify relevant lessons learned with a view to informing the design and implementation of future projects and programs in South Sudan.

Specifically, the evaluation will:

- i. **Examine the project's "Logical Framework/Intervention Logic", which will serve as a basis to draft focused Evaluation Questions (EQs) and Indicators, to be agreed upon by the European Union and IDLO.**
- ii. Examine the project's outputs and the extent to which they contributed to improve the design, organization and delivery of high-quality training initiatives and a more efficient and effective administration of civil and criminal cases by the Judiciary of South Sudan. The evaluation will envisage an analysis of the retention and application of knowledge gained by members of the Judiciary (judges and support staff) within the project framework.

The users of this evaluation include the European Union and IDLO management and project staff as well as project implementing partners and beneficiaries.

4. Scope of the Evaluation

The evaluation will cover all project activities delivered between December 22, 2012 and December 21, 2014. This period includes the initial project timeline (18 months) as well as the six-month extension concluded between the European Union and IDLO in July 2014, as a consequence of the delays and the suspension of project implementation, due to political instability in the country.

5. Evaluation approach: Methodology, Deliverables, Timeline

a. Evaluation Questions/Issues

The following issues will **guide the formulation of the EQs** (primarily based on the examination of project's "Logical Framework/Intervention Logic") and related Indicators (enabling focused data collection in order to answer the EQs):

Relevance

- Assessing the extent to which the project is in line with national strategies and priorities (e.g. the Judiciary of South Sudan's Capacity Building Strategic Plan 2012-2015), approaches of other donors, IDLO's strategic framework and the needs of end beneficiaries. Any contextual changes and challenges (e.g. political, security, environmental, social, etc.) possibly influencing the project design and implementation need to be properly and fairly captured, analyzed, and explained.

Effectiveness

- Assessing Effectiveness in terms of how far the expected results were achieved (or are likely to be achieved).

- Assessing to what extent the project achieved the planned outputs and whether the outputs lead to the intended outcome (i.e. Increased capacity of the Judiciary of South Sudan to design, organize, and deliver high quality judicial training).
- Analysing the operating environment and the variables and factors that affected the achievement of expected results in a timely manner.

Impact

- Assessing medium-term results produced by the project whether directly or indirectly, intended or unintended and positive or negative.
- Describing noticeable or tangible benefits of the project to date.

Efficiency

- Assessing whether the project delivered its outputs in a cost-efficient and timely manner.
- Assessing whether sufficient and appropriate financial and human resources were allocated to achieve the expected results.
- Evaluating how and/or to what extent resource-related issues contributed/enabled/prevented the implementation of the project.

Sustainability

- Evaluating how and to what extent the benefits of the project are likely to continue after the completion of all activities.
- Assessing which measures/steps were undertaken to build ownership of the project by project beneficiaries and promote sustainability.
- Assessing to what extent IDLO supported the project beneficiaries in enhancing their skills to take the lead and manage the project with a sustainable perspective.

IDLO Value Added

- In particular, with reference to the Judiciary's Capacity Building Strategic Plan (CBSP) 2012-2015, assessing IDLO's value added/comparative advantage in contributing to its implementation.

b. Data Collection

In order to respond to the EQs and to derive findings, conclusions and recommendations (lessons learned), the methodology will employ the following approaches to collect information:

- Desk/document review:
A crucial part of the assessment will entail the revision of project documents and other related documents, such as progress reports, monitoring and evaluation reports; national strategies and documents, including the Capacity Building Strategic Plan (CBSP); administrative records related to the various project activities; results of training evaluations (TIMS reports); results of ad hoc project questionnaires to measure the level of knowledge retained by trainees three to six months after the trainings. The final list of documents to be reviewed will be agreed upon at the outset of the evaluation bearing in mind the scope and timeframe of the assignment.
- Interviews and focus-group discussions
Interviews and Focus Group Discussions will be conducted with designated groups of program stakeholders/beneficiaries. In particular, a significant sampling of training beneficiaries will be selected to assess the extent to which the knowledge and skills gained from training courses are retained after a certain period (normally three to six months). The involvement of colleagues and supervisors will enable the triangulation of information. It has to be kept in mind that an "end of project" evaluation has limitations in showing long-term results and impact caused by training initiatives.

- Other cost/time-effective data collection tools and approaches that can capture information from the program stakeholders might be considered (e.g. surveys, questionnaires, etc.).

c. Evaluation roadmap

The evaluation process will entail three phases:

- **Inception Phase:**
 - The evaluation consultant(s) will examine the project's "Logical Framework/Intervention Logic" and use this to draft the EQs and Indicators. He/she will also propose a sampling approach for beneficiaries, stakeholders, project staff members and trainees to be interviewed, and a detailed evaluation workplan, highlighting any other issues related to the evaluation.
 - The evaluation consultant(s) will design key data collection tools and undertake a **thorough review of program documents and other existing data**. He/she will finalize key informant details/a list of people to be interviewed and propose an approach to conduct the field mission.

At the end of this period an **Inception Note** is required describing the methodological approach and **providing preliminary answers to the EQs** on the basis of reviewed documents ([Inception Phase to take place from 12-16 January 2015](#)). The Inception Note will be no longer than 10 pages (excluding Annexes).

Note: The evaluation consultant(s) will travel to the field only after IDLO's acceptance of the **Inception Note** (consisting of, *inter alia*, the "Desk/document review", "List of Key Informants", and the compilation of a "List of questions/issues to be tackled with the Informants").

- **Field Phase:**

The evaluation consultant(s) will seek **additional information in the field to complement the Inception Phase data collection and analysis**. This will entail:

- **In-country data collection and analysis:** ten - 15 working days spent in the country to capture additional data from the program staff and beneficiaries ([tentatively starting 19 January 2015](#)).
- **Synthesis Phase:**
 - **Evaluation Report writing and dissemination:** A **draft Evaluation Report** will be prepared and shared with relevant IDLO staff for review and feedback. It will include **final answers to the EQs** and related **findings, conclusions and recommendations** (lessons learned). The **causality link** between findings, conclusions and recommendations has to be clearly detectable. The Evaluation Report including an executive summary and all relevant annexes will be submitted ([end of February 2015](#)).

c. Evaluation Team, Roles and responsibilities

The evaluation team will comprise two members/consultants:

- (i) One evaluation expert, the **Team Leader**, with significant experience in evaluating complex programs and projects related to Capacity Building initiatives within international development cooperation and extensive knowledge of good governance and rule of law issues (including in post-conflict/ fragile countries). Experience in evaluating EU-funded projects and programs is highly desirable.

- (ii) A **Local Legal Expert** with in-depth experience and understanding of the issues related to the re-introduction of an English language, Common Law legal system in South Sudan, the local legal framework, the structure of the Judiciary, and the regulations and procedures currently in application.

Both experts shall have an advanced university degree in the relevant field. The Team Leader shall have over ten years of professional experience relevant to this assignment and the Local Legal Expert over five years of relevant experience. Both experts shall be fluent in English (spoken and written) and the local expert in Arabic (spoken and written).

The evaluation Team Leader will be responsible for undertaking the evaluation in line with the TORs. He/she will guide the evaluation exercise and ensure that evaluation deliverables are of a high quality.

In particular, the **Team Leader** will be expected to carry out the following duties:

1. Manage the execution of the evaluation. The incumbent will:
 - Conduct an in-depth desk review of: program documents and reports; administrative records related to the various activities; program progress reports; results of pre and post training tests; trainers' assessment of participants' knowledge acquisition from trainings; participants' evaluation of trainings; and National Strategic Documents, such as the Judiciary's Capacity Building Strategic Plan (CBSP) 2012-2015 and the Comprehensive Peace Agreement (CPA);
 - Review the proposed curriculum and organizational structure for the Judicial Training Center;
 - Identify any other methodological approaches and tools to capture data in line with the evaluation expected results;
 - Administer data collection with program stakeholders and beneficiaries including program trainers, trainees, and other stakeholders relevant for the evaluation's scope;
 - Set up and conduct key informant interviews and Focus Group discussions (FGDs) with other relevant program stakeholders, both in Juba and at HQ.
2. Prepare the inception note and evaluation report. The incumbent will:
 - Prepare an Inception Note (max 10 pages, excluding annexes)
 - Prepare draft evaluation report (max 30 pages excluding annexes, as per proposed template);
 - Finalize evaluation report, incorporating feedback from all relevant program stakeholders.

The **Local Legal Expert** will support the Team Leader in data collection, in providing legal expertise throughout the evaluation exercise and in linguistic issues. The Local Legal Expert will support the Team Leader in quality assurance and in compiling the report. In particular, the Local Legal Expert will:

- Provide feedback on the feasibility of proposed data collection methods, based on the local political/governance context and the dynamics of stakeholder institutions;
- Prepare and/or translate documents relevant for the evaluation and upon request by the Team Leader; and
- Provide input to the Team Leader for the report drafts and final presentations

The IDLO Research and Learning Department will closely support the IDLO South Sudan Program team in selecting the evaluation team members, managing the evaluation exercise and will provide methodological guidance. The IDLO South Sudan Program team will ensure - in cooperation with the IDLO Research and Learning Department - that all information is provided and that requests for feedback are responded to in a timely manner. In addition to the consolidated comments which will be sent to the consultant(s) by the South Sudan Program team on all submitted reports and notes, the IDLO Research and Learning Department will provide specific technical comments.

The consultancy is expected to start in January 2015 and last for a period of approximately 45 working days, including ten to 15 working days for the field mission.

d. Deliverables

- ✓ **The Inception Note:** Maximum of 10 pages long (excluding Annexes) document prepared at the end of the inception phase. It will include the list of Key Informants, the methodological approach and will provide preliminary answers to the Evaluation questions on the basis of reviewed documents and conducted (phone) interviews;
- ✓ **The draft Evaluation Report:** max 30 pages excluding annexes, as per proposed template;
- ✓ **The final Evaluation Report:** max 30 pages excluding annexes, based on comments received, the evaluation report should document the findings, conclusions and recommendations. Annexes, including all evaluation tools, list of key Informants and summary findings, should be attached to the report.

Note: All deliverables will be reviewed timely by the European Union and are subject to the IDLO Research and Learning Department's final approval.

e. Outline of Evaluation Report

The evaluation report (maximum 30 pages, excluding annexes) should contain the following sections:

- I. Executive Summary (2-3 pages)
- II. History and overview of the program
- III. Evaluation purpose, methodology and limitations
- IV. Findings, conclusions, recommendations to inform the design of future related projects and programs. The EQs/Indicators and related answers/raw data collected (i.e. the data collection sheets) will be included in the annex

Annexes: The data collection sheets, project TORs; itinerary; map; overview of data/documents reviewed; list of people interviewed

f. How to apply

IDLO is an Equal Opportunity Employer and values diversity in all areas of its operations. We welcome and encourage diverse applications. If you are interested in conducting the evaluation, please visit the IDLO employment website at www.idlo.int/jobs and submit your application by **December 2, 2014**.