
**TERMS OF REFERENCE
FOR PROJECT EVALUATION**

Project title: Widening access to constitutional justice in the Kyrgyz Republic

Country of implementation: Kyrgyzstan

Position: External independent expert (experts) on the final evaluation

Duration of Appointment: February 12, 2020 – March 25, 2020

I. Background

“Legal Clinic “Adilet” - is one of the biggest human rights organizations in Kyrgyzstan. Founded in May 2002, today it unites in its ranks about 15 lawyers and advocates, and also student volunteers studying on legal faculty.

In 2014 Legal Clinic “Adilet” started to implement project named “Access to justice of population in constitutional proceedings”. This project finished in 2017 and in continuation of this activity Legal Clinic “Adilet” started to implement project named “Widening access to constitutional justice in the Kyrgyz Republic”. The goal of this project is increasing access to constitutional justice for protection of the rights and freedoms of citizens and organizations, guaranteed by the Constitution. The project started in 2017 and it is planned to finish the main activities of the project by the end of August, 2020. Based on the fact that the project comes to an end, it was decided to conduct a final evaluation of the impact of interventions by the end of the project.

The main objectives of the project are:

- 1) Interested and concerned parties are more aware of the existing mechanisms of constitutional proceedings and their general level of legal knowledge about these mechanisms has increased;
- 2) Contradicting norms of the existing legislation have been harmonized and are in accordance with the Constitution of the Kyrgyz Republic.

II. Purpose of the Evaluation

Evaluation **aims** to assess the progress and success of the project and also aims to identify and record lessons learned and make recommendations that can be used by Legal Clinic “Adilet” in their future activities. It is expected that the evaluation will provide an opportunity to assess the evidence of success or failure of the project.

The evaluator must submit a complete and convincing analysis, confirming the conclusions made during the assessment. The evaluator must give the analysis of specific objectives of the project. Particular emphasis should be placed on the final results of the project.

Evaluation aims at conducting a comprehensive evaluation of the project and provides an opportunity to assess the strategies, results, problems and limitations. The project will be evaluated on the basis of the indicators presented in the logical framework of the project.

The objectives of the evaluation are:

- Assessment of overall performance compared to the goals and outcomes of the project presented in the project document and other related documents;
- Evaluation of the efficiency and effectiveness of the project;
- Analysis of the mechanisms of implementation and project management;
- Assessment of the progress made in achieving the outcomes;
- Assessment of the sustainability of measures implemented by the project;
- Description and documentation of lessons learned in terms of design, implementation and project management;
- Assess the relevance of the project in terms of national priorities;
- Provide recommendations regarding the use of project results;
- Presentation of lessons learned.

In particular, the evaluation will be assessed the final progress of the project and the determination of the difficulties associated with the project, and their causes.

The evaluation results will be used by Adilet in its future activities. Also the results of the evaluation will be used to weigh the usefulness of the project.

The evaluation should reflect on the following issues and questions:

- (i) **Relevance** - the degree of objectives of a project/programme align with the needs of the beneficiaries and strategies (policies) of partners and donors.
- (ii) **Effectiveness:** Are the objectives of the project/programme being achieved? This criterion measures the extent to which the objectives of a project/programme will (foreseeably) be achieved.
Has an interest to the constitutional control body – the Constitutional Chamber- increased during the project period?
- (iii) **Efficiency:** Will the objectives be achieved in an economically viable manner? This criterion measures the adequacy of the deployed resources in relation to the achieved results and effects.
- (iv) **Impact:** Will the project/programme contribute to the attainment of overall development goals? This criterion assesses whether and to what extent the project/programme will contribute towards the attainment of the intended primary and secondary long-term objectives under development policy. Additionally, whether and, if so, which other positive and negative changes have occurred will be investigated.
What changes were made after the adoption of decisions by the Constitutional chamber on the non-constitutionality of various laws and normative legal acts?
What changes were caused by the cases initiated by the lawyers of the project in the Constitutional Chamber?
Was and whether is the monitoring of legislative initiatives, conducted by the Adilet's lawyers effective? What was the impact of the analyses developed by the lawyers?

Sustainability: Will the intended positive changes (foreseeably) have a lasting effect?
This criterion assesses the extent to which the positive effects of the development intervention will continue beyond the end of the project period.
Are citizens and legal entities more likely to apply to the Constitutional chamber?
Can Adilet's legal positions expressed in their analysis be used in the future?

III. Methodology

The project will assess the outcomes of the project by means of final evaluation, which will involve external independent evaluator, who will design the specific methodology of the evaluation, based on the main requirements of the project. Participatory approaches will be key for the methodology development. **The OECD-DAC standards need to be taken into account.**

Stakeholders and/or beneficiaries - Judges of Constitutional Chamber, Ministry of Justice, lawyers need to be included in the evaluation. Project proposal, progress reports need to be considered.

Information for the evaluation analysis should be collected using following instruments:

- Literature and documents (indicate critical documents)
- Existing statistical sources
- Individual interviews
- Focus group interviews / participatory data gathering techniques (PRA)
- Surveys / questionnaires
- Case studies

Analytical methods for evaluation the project should be aimed at qualitative and quantitative measurements of the direct and indirect impact of the project on achieving its goals and objectives. Data should never be collected unless the evaluator knows beforehand exactly how such data will be used in the analysis.

The evaluator should use meetings, presentations, written information, but especially meetings with stakeholders and/or beneficiaries in order to get feedback during the process of the evaluation, with the aim of: process verification to correct and complete; verification of preliminary findings and recommendations.

Separation of the roles and functions:

Functions and roles of the Expert:

- Development of a methodology of final evaluation, according to the set objectives (see point 3 below);
- Development of questionnaires / instructions for data collection;
- Data collection, meetings with stakeholders;
- Data consolidation;
- Presentation of the preliminary and final data;
- A report with clear recommendations.

Participating organization:

- Providing for human resources for final evaluation (staff);
- Conducting a survey based on questionnaires and accurate / precise filling out of the questionnaires (if necessary, under the guidance of the expert);

- Data collection and submitting to the Expert;
- Active participation throughout the evaluation;
- Coordination of activities between all involved parties.

IV. Deliverables

Following deliverables are expected from the evaluator(s):

- Initial methodology and work plan, including foreseen timeline (requested documentation to apply for the consultancy position)
- The final draft of an evaluation report, which contains the following:
 - An **executive summary** which can be used independently of the evaluation report
 - The purpose and objective(s) of the evaluation
 - The main or research question and the specific research questions
 - Explanation and justification of the methods used, including a (short) discussion of the relevant theoretical issues or hypotheses and a justification of selections made and the scope and limitations of the evaluation
 - Presentation and analysis of findings (clearly distinguished), including unexpected, relevant findings
 - Conclusions, with reference to the research questions
 - Recommendations for different stakeholders
 - Lessons learned, including best and worst practices
 - **Annexes**, including:
 - Terms of Reference;
 - Data collection and analysis techniques: such as persons interviewed, places visited, questionnaire, interview guide or topic list, statistical elaboration and analysis
 - Evaluation program (dates and activities)
 - Concepts and abbreviation list -List of documents / literature used

Technical specifications of the report: The report must be written in English and Russian. Maximum number of pages, excluding annexes is 35 pages. 2 hard copies of the evaluation report are required. An electronic copy shall also be provided.

- A workshop to present and verify the findings and to plan follow-up steps in accordance to formulated recommendations.

During a debriefing session of the results the evaluators present their provisional results and conclusions to the commissioning organisation and discuss them with them. On the basis of this discussion, the evaluators either make corrections or include key points from the discussion in the final report. A debriefing session or presentation of the results should be held with the commissioning organisation at the end of the data-collation and analysis phase respectively shortly before the submission of the final report (in draft form).

V. Logistics

Responsibility for organizing the evaluation lies on Adilet. Adilet will sign a contract with an evaluator to ensure the timely payment of the fee. The project should ensure the meetings of the evaluator with stakeholders, prepare, if necessary, field visits, relevant documentation. The evaluator is accountable to Adilet, and Adilet has the final word in case of disagreements.

The contract will be signed by January 28, 2020.

The draft of the report and the results of the final evaluation shall be submitted to the Adilet.

Prior to the approval of the final report, the draft report should be sent to the implementing organization and the project coordinator. The final report shall be submitted to the project coordinator (Ainura Osmonalieva by e-mail osmonalieva.ainura@gmail.com or to the following address: 39, Umetalieva Str., Bishkek, Kyrgyzstan).

The total duration of the evaluation will be 25 days according to the following:

Activity	Estimated time
Desk study	3 days
Field visits, meetings, survey	7 days
Preparation of draft report, approval of preliminary surveys by stakeholders/beneficiaries through dissemination of draft report for comments, organization of meetings and other adjustment mechanisms	10 days
Workshop (evaluators and Adilet staff)	1 day
Finalization of the final report (including comments received)	4 days

Expected results /Timeline

No.	Results	Time frame
1	Staff study	February 12 - 14
	Visits, meetings, survey	February 17 – February 25
2	Draft report	March 10
3	Receiving comments from Adilet	March 17
4	Workshop (evaluators and Adilet staff)	March 19
5	Final report	March 25

It is estimated to carry out the analysis within 25 days period. It is expected that the final report with recommendations is expected will be submitted at the end of the contract period (prior to March 25, 2020) under the terms of the contract, except in the case of early termination. The plan for carrying out the analysis should be coordinated with the project manager.

VI. Requirements for the Evaluator (s)/Application procedure:

- (i) Law education;
- (ii) Experience in conducting analyzes and writing reports and recommendations;
- (iii) Experience in field work, including with the use of interactive methods of communication;
- (iv) Skills in quantitative and qualitative research, literary articles and other survey methods, with excellent experience in editing and writing;
- (v) The evaluator must also possess the skills and experience in collection and analysis of a wide range of information and publications;
- (vi) He / she must have a good knowledge of government agencies in the field of constitutional justice, and knowledge of jurisprudence;
- (vii) In-country or in-region work experience, experience with strategic litigation;

- (viii) Professional integrity/trustworthiness
- (ix) Openness/frankness/sincerity
- (x) Respect
- (xi) Evaluator should be as independent as possible for a clear view on the program. He / she should preferably have no previous direct involvement with the project.

Terms and conditions:

- The project does not provide accommodation, equipment and communication means;
- The contract does not provide for payment for work off normal working hours, health insurance, taxes, sick leave.
- Travel expenses and per diem should be included to and reflected in the financial proposal.
- Method of payment: The Service-Contract will be signed between the Expert and Adilet. Payment will be transferred to the bank account of the expert, according to the submitted invoice.
- Ownership: All rights to the final report on the evaluation and the primary material belong to the Adilet and, by agreement, to the project. Adilet reserves the right to translate (and) publish report in full and abbreviated form.

Requirements for proposals:

Applicants are requested to submit:

- CVs of all evaluators involved in English with indication of the e-mail and phone contact;
- Technical proposal (short explanation and justification of the methods to be deployed);
- Financial proposal (complete cost estimate that includes both, the fee as well as any ancillary costs to be incurred, such as transport, accommodation, taxes, fees and costs of workshops in the scope of the evaluation etc.)

The proposals shall be submitted online to the following e-mails: osmonalieva.ainura@gmail.com, lc.adilet@gmail.com with a note "TO THE COMPETITION:" Conducting the Final Evaluation of the Project".

Deadline for proposals: 12:00, February, 7, 2020.