

EU 4 Justice Phase II-Bosnia and Herzegovina

Terms of reference to recruit skilled persons for mid term evaluation

October 2024

Title of assignment	EU4Justice Phase II		
Beneficiary / beneficiaries	High Judicial and Prosecutorial Council, Judges and Prosecutors, Judicial and Prosecutorial training centres, Law enforcement agencies		
Country	Bosnia and Herzegovina		
Estimated budget or total number of planned	EUR 14, 500 (not including per-diem and		

transportation costs).

2 BACKGROUND

days

2.1 General context

As applicant for EU membership, Bosnia and Herzegovina ('BiH') is expected to meet EU justice standards as provided for by several of the 14 key priorities for membership and recalled by the EU Commission in its 2018 Western Balkan Strategy.

BiH's complex and fragmented institutional structure has led the country to a difficult situation, regarding rule of law. No recent progress was made in this field and "lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizen's enjoyment of rights and the fight against corruption and organised crime".

The cross-cutting objective of this action is to share practical methods with the High Judicial and Prosecutorial Council (the 'HJPC') and other Justice Institutions of BiH to increase its capacities to implement its mission to ensure independence and professionalism of the judiciary, promote judicial reform, and enhance the country's response to organised crime and corruption. This Action aims at supporting the Justice Sector Institutions in carrying out these changes to align the functioning of the judiciary with EU rule of law standards by enhancing professionalism, efficiency and transparency of the BiH justice system for the final benefit of BiH citizens.

2.2 Project overview

- » Project title: EU 4 Justice Phase II
- » » Implementation dates: 1/12/2022-30/11/2025
- » » Location / intervention areas: Bosnia and Herzegovina justice sector
- » » Partners involved: Consortium composed of Expertise France (lead), IRZ and FIIAPP.
- » » Target groups:
 - All Ministries of Justice (MoJs) in BiH, and Brčko District Judicial Commission;
 - The HJPC, the Integrity Unit within the HJPC Secretariat, and the ODC; Project budget
 - All courts and prosecutors' offices in BiH;
 - The judicial and prosecutorial training centres in entities (JPTCs);
 - The reform-oriented professional associations for judges and prosecutors in BiH;
 - The public law faculties and high schools in BiH;

- The Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK) and all other Anti-Corruption bodies in BiH as relevant for the action implementation;
- The Law Enforcement Agencies (LEAs) in BiH as relevant for the action implementation;
- The Asset Management Agencies at entities as relevant for the action implementation.
- » Project Specific Objectives (outcomes) of the action are:

SO1: A fully inclusive and efficient monitoring mechanism is established by HJPC serving as basis for addressing deficiencies and needs and long-term policy dialogues.

SO2: Mechanisms to advise and oversight judicial office holders on integrity and asset declarations are in place.

SO3: Career management and security of the judiciary are improved.

SO4: Organised crime and corruption cases are processed more effectively by the judiciary.

- » Project budget: 4.5M€
- » Indicators

SO1 Indicators:

SO1 I1: % of progress of the HJPC (new) Reform Agenda (Nr of measures completed with the project's support vs nr of measures foreseen).

SO1 I2: Reduction of the maximum nr of days (Disposition Time) for a pending case to be solved in a court) for cases at 1st instance and 2nd instance courts (disaggregated by: 1 Civil commercial cases, 2) Admin cases, 3) Criminal cases.

SO1 I3: Nr of justice policy dialogues supported by EU4Justice.

SO1 I4: Nr of project-supported reports by HJPC on implementation of the Reform Agenda submitted to external stakeholders.

SO1 15: Nr of project supported reports by MoJ on the implementation of the Justice Sector Reform Strategy (JSRS) 2021-2027 submitted to external stakeholders.

SO1 I6: Clearance rate – civil and criminal 1st instance litigation.

SO2 Indicators

SO2 I1: A Rulebook with technicalities of asset declaration verification is by adopted by HJPC. SO2 I2: Nr of declarations of assets published by HJPC.

SO2 I3: Nr of disciplinary proceedings for violations of codes of judicial/prosecutorial ethics initiated by ODC.

SO2 I4: Nr of training sessions on ethics/integrity provided to judges and prosecutors by HJPC based on Eu4Justice recommendations.

SO3 Indicators

SO3 I1: A EU4Justice -supported preparatory programme for candidates to judicial profession is in place.

SO3 I2: EU4Justice-revised HJPC rules and procedures on appointments are endorsed and used. SO3 I3: Revised electronic database of court and prosecutorial files that are used for written entrance exam is endorsed and in place.

SO3 I4: Nr of complaints against JOHs received by the Office of Disciplinary Counsel of HJPC. SO3 I5: Nr of sanctions pronounced against JOHs.

SO3 I6: Number of JOHs formally investigated by ODC.

SO3 I7: Extent to which ODC' sanctions are harmonised.

SO3 18: Nr of backlogged cases of ODC.

SO3 19: Database of final disciplinary decisions.

SO4 Indicators

SO4 I1: Nr of high level OC&C cases investigated by prosecutors.
SO4 I2: Nr of indictments on OC&C.
SO4 I3: Nr of decisions issued to confiscate assets from criminal activities.
SO4 I4: Nr of Money Laundering cases investigated in POs.

» Main activities

COMPONENT 1 – STRENGTHEN THE MONITORING AND EVALUATION CAPACITIES OF THE HJPC A1.1 Strengthen the HJPC's capacities to monitor the implementation reform programmes. SA1.1.1 Strengthen the capacities to implement and report the HJPC Reform Agenda.

SA1.1.2 Support in preparing the monitoring of the yet to be adopted Justice Sector Reform Strategy 2021-2027.

SA1.1.3 Establishing a mapping of strategic documents and donor projects.

A1.2 Strengthen the HJPC's capacities to monitor the implementation of policies by institutions and JOHs.

SA1.2.1 Support in monitoring adherence to Codes of Ethics and implementation of Guidelines on Conflict of Interest.

SA1.2.2 Support in the implementation of HJPC instructions by courts.

SA1.2.3 Support the monitoring and review of penal policies in areas of corruption, financial and organised crime.

A.1.3 Strengthen the HJPC's capacities in monitoring the performance of courts and the judiciary.

COMPONENT 2 – STRENGTHEN THE INTEGRITY CAPACITIES OF THE HJPC

A.2.1 Support in preparing the establishment of a system of verification of assets.

A.2.2 Support in introducing a confidential counselling mechanism on ethics and integrity.

A.2.3 Support in improving integrity-related training schemes.

COMPONENT 3 – STRENGTHEN THE HJPC AND ITS BODIES' CAPACITIES IN AREAS RELEVANT FOR THE EXECUTION OF ITS CORE COMPETENCES

A.3.1 Support the HJPC in career management of JOHs.

SA3.1.1 Support to improve the quality of candidates accessing to the judicial and prosecutorial professions.

SA.3.1.2 Support to improve and effectively implement internal rules on appointment procedures and performance appraisal.

A.3.2 Support the HJPC in improving disciplinary liability of the judiciary.

SA3.2.1 Support in strengthening disciplinary procedures.

SA2.2.2 Strengthen knowledge and appropriation by JOHs of case law on ethics, and restore public trust in the justice system.

A.3.3 Support the HJPC in enhancing the efficiency of the judiciary.

SA.3.3.1 Support in carrying out an analysis of courts resource needs.

SA.3.3.2 Support in identifying sources of inefficiency in the judiciary and addressing them.

A.3.4 Support the HJPC in developing a security strategy of the judiciary 3.3.3 Support in improving the implementation of the random case allocation systems.

A.3.5 Provide legal opinions on draft legislative proposals.

COMPONENT 4 – SUPPORT THE COORDINATION AND COOPERATION WITHIN THE CRIMINAL JUSTICE CHAIN IN TACKLING ORGANISED CRIME AND CORRUPTION A.4.1 Expert advice on management of trial proceedings.

A.4.2 Expert advice in reviewing efficiency and work on the processing of organised crime and corruption cases.

A.4.3 Expert advice on reinforcing independence and accountability of JOHs in processing high level organised crime and corruption and reinforcing transparency on the process. A.4.4 Assistance in fostering cooperation between prosecutors' offices and law enforcement agencies.

» Monitoring and evaluation (M&E) system

The Theory of Change and the Logical Framework (LFM) were developed by the project team during the inception phase, and they are added as Annexes to this ToR. No previous internal and external monitoring (including ROM), evaluations have been completed for this project.

3 OBJECTIVES AND RESULTS SOUGHT

3.1 Assignment objectives

3.1.1 Purpose and objectives of the evaluation

Given the complexity of the project, and its importance to advance the judicial reform in Bosnia and Herzegovina, and in line with recommendations made in the project M&E plan, the project team wishes to carry out an external mid-term evaluation.

This mid-term evaluation is planned to enable the project to assess its current progress and effectiveness, allowing stakeholders to gain new insights and additional knowledge necessary for informed decisionmaking. It will facilitate strategic reflection mid-term, especially in the context of the upcoming steering committee meeting, where shared assessments will be crucial for ensuring the good governance of the project. Furthermore, this evaluation will support the development of strategies and adaptations that may be necessary for the project's continued success, either in its current phase or as a foundation for a potential second phase.

This evaluation is a milestone for the project to ensure its accountability to the donor (the EU Delegation in Sarajevo) the implementing agency (Expertise France), and the project key beneficiaries, i.e. the HJPC, the Integrity Unit within the HJPC Secretariat, and the ODC; all Ministries of Justice (MoJs) in BiH, and Brčko District Judicial Commission; the Parliaments, Project Budget Office, all courts and prosecutors' offices, the judicial and prosecutorial training centres in entities (JPTCs) and others as listed above.

3.1.2 Overall objectives and expectations of the assignment

The main objective of this evaluation is to provide the HJPC, the Integrity Unit within the HJPC Secretariat, and the ODC; all Ministries of Justice (MoJs) in BiH, the agency Expertise France (field and head office teams), the EU Delegation in Sarajevo, other donors and international organisations, and the general public:

- a comprehensive, independent assessment of the performance of EU4Justice Phase II, paying particular attention to the mid-term results, against the agreed objectives,
- lessons and recommendations, to improve, where relevant, current and future work.

The evaluator should provide evidence to explain the analyses, cause and effect linkages and attempt to identify any factors that are enhancing or hindering progress. Their work must foster accountability, decision-making, and learning.

3.2 Scope of the evaluation

The scope of the evaluation will include the following: Period: 1/12/2022 till 1/11/2024

Components: All components of the project.

Country: Bosnia and Herzegovina

Beneficiaries: the HJPC, the Integrity Unit within the HJPC Secretariat, and the ODC; all Ministries of Justice (MoJs) in BiH, and Brčko District Judicial Commission.

4 CRITERIA AND EVALUATION QUESTIONS

The evaluation will use the criteria defined by the Organization for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC): Relevance, Effectiveness, Efficiency, Impact and Sustainability, with a particular focus on the first three criteria.

The evaluation questions detailed below [have been developed in a participatory manner by the steering committee]. They will be reviewed by the evaluator during the evaluation start-up phase, in order to suggest a final version in the inception report approved by the steering committee.

Evaluation	Specific evaluation questions	
criteria		
Relevance	 Are the project objectives relevant to the needs of the sector in BiH, with the identified problems, with the financial assistance under the Instruments for Pre-Accession Assistance (IPA), and with the EU accession of the country in general? Are the project objectives, expected outcomes and activities clearly formulated and consistent with each other? Are the project objectives and approach relevant in relation to the initial capacity and progress of national stakeholders? 	
Efficiency	4. Is the way that the project is managed (human resources, division of roles and responsibilities, interactions with stakeholders, financial decisions linked to strategic choices) optimal to achieve Outcomes?	
Effectiveness	 To what extent are the project's activities implemented / on track? Were there challenges to implementing the activities and achieving the results? If so, what was done to remedy these and by whom? To what extent have project objectives been achieved: for each output and outcome indicator? What are the reasons for progress or limited effectiveness? 	
Impact	 a. What is the project's contribution to achieving the overall objective? 8. What are the positive and negative, primary and secondary long-term effects brought about by the project either directly or indirectly, and either expected or unexpected? 	
Sustainability	 a. What indications (strong or weak) are there that practices and behaviours of actors within beneficiary institutions are changing? 9. What evidence is there that the support provided by the project have a lasting positive impact? 	

Consistency / complementarity /EU added value	 10. To what extent do the activities undertaken enable the donor to achieve the objectives of its development policy? 11. To what extent has the implementing partner coordinated with other donors/projects/programmes in BiH to achieve synergy and to avoid overlaps? 12. What is the EU added value?
Lessons	13. What are some of the lessons learned and best practices that
Learned/Best	the project can share with similar initiatives in the Western
Practices	Balkan region?

The consultant is expected to provide a value judgment on each of the evaluation questions raised by going through the criteria. As part of this analysis, the consultant will ensure that the judgments made for each of the six evaluation criteria make it possible to cover all the key stages of the project cycle.

The consultant should also verify whether the following cross-cutting issues: promoting human rights, good governance, gender equality, youth, and/or other possible marginalised groups' rights are considered when documents were identified / developed and to what degree they were present in the implementation and supervision of the work.

5 ASSIGNMENT DESCRIPTION

5.1 Procedure

The consultant is asked to closely link with Expertise France and the evaluation steering committee when setting out their reasoning, and regularly throughout the assignment, from the point of developing the scoping outline up to the meeting to present the draft report. Observations and initial areas of analysis must be shared at the end of the assignment, before the draft report is written.

5.1.1 Development phase

During this preparatory phase, the consultant must:

- Gather and consult all the information and documents relating to the project that need to be evaluated (project outline, sectoral strategies and policy documents, EU Commission' Progress Reports for BiH, implementation reports, and monitoring documents) and that contribute to understanding the project context. Documents to consult will be available and shall be shared with the evaluation expert by the implementing team.

- Identify all project stakeholders and a list the main stakeholders based on the project documents (and possibly through interaction with the implementation team).

- Review the project's logical framework and the Theory of Change to assess the internal coherence of the intervention.

- Develop the framework of the evaluation (or as usually referred to "the Evaluation Inception Report") in more depth based on the terms of reference, the documents collected and the intervention logic. Specifically, this will involve: (i) outlining the key questions for the evaluation to focus on; (ii) outlining the stages of reasoning that will make it possible to answer the questions (judgment criteria); (iii) specifying the indicators to be used to answer the questions and the corresponding sources of information –Evaluation Matrix (documentation, interviews, focus groups, surveys, etc.).

Based on this methodological piece of work, the consultant will suggest an overarching evaluation framework document (no more than 15 pages) once they have begun the assignment. The evaluation framework will be discussed with the [Project Manager/steering committee] and the consultant to

guide discussions about how they plan to structure the evaluation process and to check how feasible it is.

This preparatory phase is key and will serve to sign off the methodology proposed by the consultants.

The key stakeholders to meet with include (but are not limited to) the following:

- EU Delegation in Sarajevo
- Implementing team and Expertise France's Project Manager
- Ministries of Justice (MoJs) in BiH,;
- The HJPC, and the revelant departments of the HJPC Secretariat,;
- The judicial and prosecutorial training centres in entities (JPTCs);
- The Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK) and all other Anti-Corruption bodies in BiH as relevant for the action implementation;
- The Law Enforcement Agencies (LEAs) in BiH as relevant for the action implementation;
- The Asset Management Agencies at entities as relevant for the action implementation.
- The reform-oriented professional associations for judges and prosecutors in BiH;
- The public law faculties and high schools in BiH;

The list of documents to be reviewed by the consultant includes (but are not limited) to the following:

- EU Commission's 2018 Western Balkan Strategy
- EU Commission' Progress Reports for BiH 2021, 2022, and 2023.
- Legal texts and political commitments pertaining to the project
- Country strategy paper and country/regional/ thematic multi-annual indicative programming
- (MIPs and RIPs) documents (and equivalent) for the period covered
- Documents setting out the policy framework in which the intervention takes place (EU
- *development and external relations policy, EU foreign policy, country strategy paper)*
- Relevant national/sector policies and plans from national and local partners and other donors
- Justice Sector Reform documents
- Project's Inception Report
- Project's Progress Report
- Project's M&E Framework and updated LFM,

5.1.2 Documentation phase

The consultant will first put together a precise and analytical overview of the project, in the form of a descriptive project analysis, which must be shared with Expertise France before they begin the assignment. This document must include in particular:

- A brief overview of the context and how it has developed

- A description of the project (objectives, content, contributors, way of working, etc.).

- An analytical summary of the project's progress from the point of conception up to the date of the evaluation, which highlights key points in its development and presents the allocation and level of funding mobilized, and outlining any key difficulties encountered and any changes that have occurred.

This presentation to be included in the final report should not exceed 5 (five)pages. Additional information may be included in the annex.

5.1.3 Collection phase

Primary data collection is planned between the first two weeks of December 2024 during a field visit by the consultants to the intervention location for a period of eight days. It will include:

- The use of qualitative and quantitative collection methods set out by the evaluator with all project stakeholders, based on a sample suggested by the evaluator.
- Field visits to various implementation sites
- Surveys (if deemed necessary by the evaluator)
- Focus Group Discussions
- Interviews
- Document review
- An on-the-spot debriefing meeting held by the evaluator with the EUD's OM to present the preliminary results following the collection phase.

5.1.4 Feedback phase

An online debriefing meeting with the Project Manager, members of the Evaluation Steering Committee, and the implementing team must be organised by the evaluator and facilitated by the Evaluation Manager. During this meeting, the evaluator must present the general conclusions to provide an overall assessment of the evaluated project. The conclusions must be ranked in order of importance and in order of reliability. The consultant will identify strategic and/or operational lessons and/or recommendations. These should be linked to the findings, grouped and prioritized. The consultant is advised to formulate specific conclusions and recommendations on operational gender mainstreaming.

5.2 Expected deliverables

The deliverables must be submitted by email in Word format to the recipients who will be indicated to the evaluation team during the start-up phase. They must be written in English.

Deliverables	# pages max.	Delivery date
1. Scoping outline	20	T0 + 14 days
2. Documentation outline	30	T0 + 18 days
3. Mid-term / field report	30	T0 + 30 days
4. Final report (draft then final) including a summary of approx. 4 pages	40	T0 + 50 days (Max by Jan 20, 2024)
5. A summary in the format requested by EF	5	T0 + 55 days

In addition, a slideshow-type presentation must be produced for the debriefing with the steering meeting.

The draft final report, which should not exceed 40 pages excluding annexes, will be produced at the end of the consultant's work as well as an overview presentation in PowerPoint (to be kept only if useful). Expertise France will provide comments and observations to the consultant within three weeks of receipt of the draft report.

The final report, incorporating these observations, must be provided within 15 days of receipt of the comments. If these observations differ in their assessment to those of the consultants, the consultants can add them to the final report and provide comments.

6 STRUCTURE OF WORK

6.1 Project evaluation management and governance

The evaluation is managed by the Expertise France Project Manager acting as Evaluation Manager with support from the Evaluation Steering Committee comprised of 1) the EU Del Operations Manager responsible for EU4Justice Phase II, 2) One representative of the High Judicial and Prosecutorial Council (HJPC), 3) one representative of the Ministry of Justice, 4) one representative of the Office of the Disciplinary Council (ODC), 5) one representative of the Prosecutor's Office, and 5) Expertise France's M&E Manager (Paris based).

Key responsibilities of the Evaluation Manager:

- Organise kick-off meeting
- Support access to information and key stakeholders (e.g. provide evaluators with file of key documents noted in ToR)
- Organise inception meeting to present and discuss draft inception report
- Approve reports/deliverables as per ToR (including revised methodology, evaluation questions and work plan, the Draft and Final Evaluation Report)
- Serve as the regular interface with the evaluation team leader to support access to information
- Act as interface between evaluation team and relevant stakeholders (facilitate contacts, interviews, access etc.)
- Plan the dissemination activities for evaluation results and recommendations in collaboration with the evaluation team.

6.2 Coordination arrangements

The consultant must work closely with Expertise France to put together their reasoning, through regular contact throughout the assignment, from the scoping outline to the meeting to present the draft report. In particular, observations and initial areas of analysis must be shared at the end of the assignment, before the draft report is written.

6.3 Organizing field assignments (optional)

As specified above, the Evaluation Manager serve as the regular interface with the evaluator to support access to information, and acts as interface between the evaluator and the relevant stakeholders. While the Evaluation Manager shall facilitate the contacts with the implementing team and stakeholders as well as access to the relevant set of documents, it is the main responsibility of the evaluator to schedule and arrange the meetings as well as the onsite briefing and the online debriefing session.

Practical resources provided by the organization (and which will not be included in the evaluation budget): local transport outside of Sarajevo, per diem, translation, printing, etc.

PROFILE AND TEAM COMPOSITION

7.1 Desired profile(s)

7.1.1 Expected expertise

- 1) Number of experts per assignment: 1
- 2) **Profile of appointed expert(s) to undertake the contract:**

Qualifications and experience

- Advanced degree in a relevant field such as law, public administration, political science, international relations, or project management, with a special focus on governance, justice reform, or international development.
- **10 years of proven experience in conducting evaluations** of EU-funded projects, particularly mid-term evaluations with a focus on justice sector reforms, governance, or institutional capacity building.
- Extensive knowledge of the judiciary and justice systems, including familiarity with the legal and institutional frameworks in Bosnia and Herzegovina (BiH), and experience working with judicial bodies such as courts, prosecutors, and Ministries of Justice.
- **Strong understanding of EU policies and donor-funded programmes** in the region, particularly in governance, rule of law, and institutional strengthening.
- **Experience working with key stakeholders** such as government institutions, international agencies, and civil society organisations, including effective communication and negotiation skills.
- Analytical skills and the ability to link cause and effect relationships, demonstrating the capacity to assess complex projects, identify key factors affecting progress, and provide actionable recommendations.
- **Familiarity with gender-sensitive and inclusive evaluation methodologies**, ensuring that the evaluation addresses key cross-cutting issues such as inclusivity and non-discrimination.
- **Ability to produce high-quality reports** that meet EU standards for evaluation, with attention to clarity, evidence-based analysis, and strategic recommendations.

Technical skills:

- Good knowledge of M&E systems for development programs and projects
- Experience and knowledge of field-based M&E
- Development of evaluation systems
- Design, delivery and evaluation of M&E training for adults
- Experience in database design and management
- Knowledge sharing and design of learning materials

Administrative skills:

- Excellent command of Microsoft Office tools (MS Office: Word, Excel, PowerPoint and LibreOffice equivalents) and the Internet
- Excellent communication and organizational skills

Language skills:

- Excellent command of written and spoken English (good writing, synthesis and analysis skills, etc.).
- Proficiency in local languages would be viewed favourably.

7.1.2 Anticipated team structure

The evaluator may be an independent evaluator and/or an evaluation agency.

7.2 Content of tenders

Tenders should include:

- Technical outline: demonstrate an understanding of and comment on the terms of reference, methodology, CVs and similar experience, and include the components mentioned in the terms of reference (detailed workplan).
- Financial outline: overall budget for the evaluation, including the following: daily cost of the evaluator; breakdown of time by phase; additional costs (services and additional documents); transport costs (international and local), logistics costs, translation costs.
- The Project Manager will receive the technical and financial proposals prepared by the potential contractor(s) which should include:
- • an understanding of the ToR;
- • an indicative methodological design;
- • a planned schedule;
- • a description of the team members' responsibilities,
- curricula vitae (CVs) and signed statements of absence of conflict of interest.

7.3 Tender assessment method.

Expertise France will select the bid with the best score based on the following table:

Criteria	Maximum score
1. TECHNICAL OUTLINE SCORE, INCLUDING:	80
1.1. Methodology score	40
» Demonstrated understanding of the ToR and the objectives of the services to be provided	10
	20
» Overall methodological approach, quality control approach, relevance of the proposed tools and analysis of the difficulties and challenges encountered	
» Structure of tasks and schedule	10
1.2. Evaluator profile score	40
2. FINANCIAL OUTLINE SCORE	20
Total score	100