

TERMS OF REFERENCE

Final Project Evaluation

Strengthening the Rule of Law In Guatemala

Type of contract: Consultancy
Location: Home-based evaluation
Duration of contract: 22 days
Start Date: 14th December 2020
End Date: 16th January 2020

Summary

The International Commission of Jurists (ICJ) is seeking qualified applicants to conduct a final evaluation for its project *Strengthening the Rule of Law In Guatemala* (Phase II).

Composed of 60 eminent judges and lawyers from all regions of the world, the ICJ promotes and protects human rights through the rule of law, by using its legal expertise and its focus on the transformative role of the law and of justice institutions and justice actors to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

During the years 2013-2017 the ICJ and the MBA, in cooperation with the Norwegian Judges Association Human Rights Committee, worked together on a project to foster judicial independence and legal pluralism in Guatemala, this project known as "Strengthening the rule of Law in Guatemala" (Phase 1). Later in 2018, the phase II of the project was approved and the project started to be implemented (2018-2020). By the end of 2019, the project budget was revised and due to the position of the authorities, the International Commission Against Impunity's mandate (CICIG) was not renewed. For that reason, one part of the remaining funds from the Norwegian Embassy in Mexico was added to the project. On the other hand, this year 2020, the pandemic COVID19, obliged ICJ and MBA to adjust the project and all the activities, which had been budgeted as face to face activities, were transformed into "on line" activities. The pandemic, naturally, impacted the methodology, the chronogram and the budget. Nevertheless, adjustments were made, approved by the donor and all the activities were implemented. Therefore, the evaluation will have to look into these two special moments, which impacted the project: a) ending the year 2019, when funds were added to the implementation of the project; and b) March 2020, when World Health Organization from the United Nations (WHO) declared COVID 19 had to be considered as a pandemic. These two moments impacted the project. Nevertheless whilst the objectives remained the same, the first one, added some activities regarding the Constitutional Reform and the second one, impacted the methodology, the chronogram and the budget. The present evaluation will look into this two different moments.

Project Background

The action aims to build on the results of the Project "Strengthening the Rule of Law In Guatemala" Phase II (2018-2020).

The Phase II continued and deepened the collaboration between the Norwegian Judges Association Human Rights Committee (NJHRC), the Applicant (the ICJ) and the Partner Guatemalan Association of Mayan Lawyers and Notaries (AANMG in Spanish or MBA in English).

The NJHRC played a central role in the implementation of the aforementioned project Phase II (2018-2020), as the first foreign judges' association to be involved in a long-term project in Guatemala. However, in the fase I (2013-2017), the NJHRC had significant administrative duties, such as reporting, grant management, managing their own separate budget, and the logistics associated with their bi-annual visit to Guatemala. This limited their availability to participate in substantive project activities. When the NJHRC were able to take part in substantive activities they provided significant added value to the same (for example, observation of activities, meetings with judicial authorities etc), but the project was never able to take full advantage of their knowledge and expertise as so much of their time was taken up with administrative functions.

To address this, in the second phase of the project the NJHRC assumed the new role of an International Reference Group. All the NJHRC's administrative functions have been transferred to the ICJ, freeing the NJHRC to participate more in substantive activities. For example, instead of observing the Annual Regional Conference for judges in Central America, it is envisaged that the NJHRC will participate substantively in the Conference, contributing to the capacity building outcomes by sharing their own knowledge and experiences.

Phase 2 has also formalized the close relationship the ICJ has enjoyed with the MBA throughout Phase 1, by the signature of a **Memorandum of Understanding (MoU)** among the organizations and by making more effective use of each organizations' expertise, contacts and experience through carrying out joint activities. Throughout Phase 1 and beyond that project, the ICJ has a long history of collaboration with the MBA on issues such as Constitutional Reform, legal pluralism, and indigenous peoples' rights and they have developed an excellent working relationship as a result. The ICJ and MBA has carried out some activities independently from one another, but as well they have organized training courses together and draw specialized expertise from one another. Additionally, on the administrative side it was foreseen to have periodic meetings to plan project activities strategically and evaluate where other activities can benefit from the involvement of the other organization.

Phase 2 has also been managed using the contractual rules from the Norwegian Ministry of Foreign Affairs and ICJ's internal procedures for financial management and project implementation. The MBA and ICJ remained as equal partners within the Project, but the ICJ has been primarily responsible for reporting and for the overall administration of the project. In substantive terms, the Project aimed to train judges in international human rights standards, strengthen independent judicial associations, and improve access to justice for indigenous people in Guatemala through the Mayan Lawyers activities.

Evaluation Overview

Objectives

The general objective of the evaluation is to demonstrate the project objectives' relevance and achievements and contribute to the design of the future programming in the country.

As an evaluation near the end of the project, this review will consist in a **summative evaluation**. Primarily focusing on outcomes (what the project achieved).

Specific objectives are as follow:

- (1) establish and understand whether, and how, expected and unexpected outcomes occurred;
- (2) identify factors that affected activities, outputs and outcomes from occurring (taking into consideration the COVID 19 pandemic)
- (3) assess the sustainability of results; and
- (4) draw lessons that may inform future programming. The evaluation should have a **strong learning objective** in that it should reflect on what has worked and what has not worked so well and identify ways to enhance the relevance and effectiveness of future, similar interventions.

Criteria

Below are some indicative lines of inquiry for each stated evaluation criteria.

Relevance

- To what extent are the objectives of the project still valid (i.e. meeting the needs and requirements of the target groups, beneficiaries, partners and donor)?
- Has the implementation of project activities and outputs been consistent with the overall objective and the attainment of its specific objectives?
- Identify on what level the project has incorporated human rights and gender issues

Effectiveness

- To what extent have the stated outcomes been achieved (or are likely to be by project end)?
- What are the major factors that influenced the achievement or non-achievement of the stated outcomes?
- What lessons can be drawn to enhance effectiveness in future projects?
- Analyze the institutional capacities to implement the plans, the capacity to react to unexpected events and demands
- Analyze the effectiveness of cooperation between ICJ Geneva and ICJ Guatemala

Sustainability

- Analyze the degree of local partner's ownership
- Identify which outputs will have the most possibility of creating sustainable effects in Guatemala

Methodology

The proposed **methodology** of the evaluation will include among other elements: (1) a desk review of project documents and records (including the project proposal, cost-extension proposal, logic model and M&E plan, project progress reports); and (2) data

collection from primary sources. The primary data will be mainly qualitative research methods and may include activities such as interviews with staff from the ICJ and partners, reference groups, including the NJHRC. Additional sources of data may come from focus group discussions, key informant interviews. The evaluation will strive to use a participatory approach within its methodology and analysis.

Users

The **primary users** of the evaluation report will be the ICJ's staff and consultants who may use the findings and recommendations to inform any adjustment to the strategies and future programming on the rule of law in the country/Central American Region. The **secondary users** will be ICJ's staff in the field and the MBA staff, when they construct the Phase III of the Project, because they should take into consideration the conclusions and recommendations of the evaluation and the Legal and Policy Office, and the ICJ Programme Management and Donor Relations team who may also refer to the conclusions and recommendations to respectively inform changes to the ICJ's global approach and to programme management in general (from design to monitoring and closure). The institutional donor supporting this project may also use some of the findings to reflect on its support for programmes.

Evaluation Implementation

The evaluation should take place in **December and January 2020**, with the final deliverables due and contract concluding by the 16th of January

The ICJ staff will provide technical and logistical support as appropriate throughout the evaluation process (compilation of project documents, coordination of travel and lodging, assisting with scheduling meetings if desired, feedback on the methodology, etc.).

A total of up to 22 **days** will be available for:

- *Evaluation preparation* (including finalizing the evaluation methodology, performing the initial desk review of project materials, creating data collection tools, and drafting a brief evaluation plan / matrix);
- *Remote data collection*
- *Data analysis and synthesis* (including transcription, data aggregation, draft report, presenting findings to the ICJ, and incorporating ICJ's feedback into a final report).

The **final deliverables** for this evaluation will include:

- A *brief evaluation plan or matrix* (due to the ICJ for approval within the first 5 days);
- A *draft report* detailing key findings, supporting evidence, and concrete recommendations (due to the ICJ for feedback by the 13th of January);
- One *oral presentation of key findings* by Skype or another online mean with relevant ICJ staff (just after submitting the draft report); and,
- A *final report* incorporating all relevant feedback from the ICJ. The final report should provide brief, clear and pragmatic conclusions and recommendations (in both Spanish and English), in response to the evaluation objectives.

Application Guidelines

The selected consultant (or team of consultants) should have demonstrated experience in results-based project evaluation, and preferably experience in human rights programming and in the Rule of Law in Guatemala and Central America. Experience in

remote evaluations is needed. Detailed information about desired qualifications is listed below:

- Bachelor's degree in international law, international relations, human rights, social sciences, political sciences or related field;
- Minimum 7 years of experience in designing, implementing and overseeing project evaluations or combination of education, training and experience;
- Experience with qualitative and quantitative M&E data collection and analysis methods;
- Experience in assessing rule of law-related projects is an asset;
- Strong knowledge of Guatemala context;
- Strong facilitation, presentation, and communication skills;
- Strong ability to communicate effectively in English, both verbally and in writing;
- Team player with the ability to closely collaborate with the ICJ staff, local partners, and project stakeholders

Interested applicants must provide all materials outlined below by the 6th of December **2020** to: mathilde.careau@icj.org; ramon.cadena@icj.org and gabriela.fernandez@icj.org

Interested applicants should provide a **current CV** and a **maximum 3 page technical proposal**. The proposal should clearly outline (i) the candidate's *key skills and experience* that are relevant to this evaluation; (ii) a concise description of the desired *evaluation approach and key principles* that will inform her/his work; (iii) an identification of *possible data limitations* and ways to mitigate them (recognizing that the applicant is operating with only the limited information provided herein); (iv) a short *cost justification*; (v) the names and **contact information** for **three recent references**.

(Please note that the ICJ may ask for examples of previous work, after reviewing the application materials).

Budget Guidelines

The estimated budget for this evaluation should not exceed **US\$ 5500**. This figure includes all costs. No trips are foreseen

Please note that payment in full will not be made until all project deliverables have been received and verified as meeting the ICJ's expectations.

Cost effectiveness will be a consideration in the selection process.