

## TERMS OF REFERENCE

### Final external evaluation

#### Consolidating civil society's role in the transition from African human rights standards to practice

**Type of contract:** Consultancy  
**Location:** Home-based  
**Duration of contract:** 35 working days  
**Start Date:** September 2021  
**End Date:** November 2021

#### Summary

The International Commission of Jurists (ICJ) is seeking qualified applicants to conduct a final evaluation for its project, *Consolidating civil society's role in the transition from African human rights standards to practice*).

#### Overview of the ICJ

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 unique legal expertise 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.

#### Project Background

The development of the African human rights system was not an easy process as human rights were commonly viewed as neither indigenous nor legitimately owned by Africans, but an attempt to imitate the external standards of the United Nations. The African Charter on Human and Peoples' Rights (African Charter) was adopted in 1986 after protracted discussions and inclusion of provisions that were viewed as resonating with African values, heritage and history. The African human rights system has evolved over time and at present Africa has fairly progressive human rights instruments at its disposal to shape the human rights terrain of the continent. The Constitutive Act of the African Union (AU) itself is an acknowledgement that the post-colonial African state has failed to entrench human rights and to tackle impunity. The mismatch between standards and practice is clear for all to see as widespread human rights violations affect millions of Africans. The inability of African citizens, individually and collectively, to hold their governments to account for non-implementation of human rights standards is evident and a reflection of the absence of commitment and political will on the part of the leaders. Moreover, it also highlights the incapacity of citizens and civil society organisations to effectively utilise existing mechanisms for the protection, promotion and enforcement of human rights.

Civil society organisations (CSOs) played a critical role in the development and formation of the AU human rights system. Despite these early contributions, the operating space for civil society is under threat from various policy and political decisions intended to restrict, shrink and undermine the ability of citizens to assert their rights against the state. State parties have abdicated their role to implement and domesticate the various human rights treaty provisions. Vulnerable and marginalised groups continue to have little access to the protection of the law, despite the existence of regional instruments enshrining fundamental rights. Women, refugees, migrants and internally displaced persons (IDPs) continue to face structural, administrative and legal impediments to the full enjoyment of their rights. Institutions mandated with protecting these rights at the sub-regional level are equally constrained by lack of coordination and restrictive individual access provisions, among other inhibiting factors.

Opportunities to increase the role CSOs play in the promotion and protection of human rights exist, not least of which is the growing interest by CSOs in regional human rights mechanisms and how these can be utilised effectively. These mechanisms, including the African Commission on Human and Peoples' Rights (African Commission) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), are open to civil society participation. However, there is scope to significantly improve civil society participation to ensure that these mechanisms have a greater impact at regional, sub-regional, national and local level.

This action by the International Commission of Jurists – European Institutions (ICJ-EI), the African Centre for Democracy and Human Rights Studies (ACDHRS), the Kenyan Section of the ICJ (ICJ-Kenya) and the Norwegian Refugee Council (NRC) will therefore has the overall objective of consolidating civil society's role in facilitating the transition from human rights standards into human rights practice through Africa-wide interventions and has the following specific objectives:

- I. to strengthen and increase the ability of civil society organisations to use AU mechanisms for human rights protection and promotion;
- II. to increase citizen awareness of AU human rights mechanisms for implementation and compliance at both national and community levels; and
- III. to strengthen national and regional responses to displaced persons and other vulnerable populations.

Countries in which the activities took place in many African countries and in Africa as a whole.

## **Evaluation Overview**

The **primary users** of the evaluation report will be the ICJ, ACDHRS, ICJ-Kenya and NRC staff and consultants who will use the findings and recommendations to inform any adjustment to the strategies and future programming in the country, region and beyond. The **secondary users** will be the Legal and Policy Office, and the ICJ Program Management and Donor Relations team who may also refer to the conclusions and recommendations to respectively inform changes to the ICJ's approach and to program management in general (from design to monitoring and closure). The institutional bilateral donor supporting this project may also use some of the findings to reflect on its support for CSO related programs.

## **Objectives and criteria**

The general objective is to assess the **effectiveness of the project's approach** and the **sustainability of the achieved outcomes**; in addition, the ICJ is interested in informing its future programming in the region. As such, the evaluation should assess the achievements of the project against its stated outcomes, including a re-examination of the relevance of the expected results and of the project design. It shall also identify significant factors that are facilitating or impeding the delivery of outcomes. The evaluation should have a **strong learning objective**. It should reflect on what has worked and what has not worked so well, and identify lessons and ways to enhance the project relevance, effectiveness and impact. It is expected to lead to **concrete, specific recommendations and lessons learned** for the future. Below are some proposed evaluative questions for each stated evaluation criteria:

### Relevance

- How appropriate the project concept and design is to the current context in the focus countries?
- How responsive the project has been to the operating environment in the region?

### Effectiveness

- Were the outputs managed properly to enable achievement of the intended outcomes?
- What were the major factors influencing the achievement or non-achievement of the objectives?
- How well the project partnership (consortium) has worked?

### Trends of impact and sustainability

- Is there evidence that changes among the targeted CSO are being transferred to their daily activities as well as to the broader community?
- How is the method of project implementation supporting, or not, the long-term sustainability of the program?

The MEL Officer will review the methodology proposed by the evaluator. Ideally, it will include (i) a desk review of pertinent project documents and records (including the project proposal, logical framework, amended project documents, quarterly reports, and various records containing monitoring data); (ii) remote data collection /: considering that field visits will not be possible due to COVID-19 pandemic and subsequent restrictions, online communication will be privileged. The primary data should involve mixed quantitative and qualitative research methods – including but not limited to interviews with project staffs, project partners, targeted CSO, event participants, lawyers and other target groups; quantitative survey with project beneficiaries.

## Evaluation Implementation

The evaluation should take place in **October and November 2021**, with the final deliverables due and contract concluding by **30<sup>th</sup> of November 2021**.

The ICJ staff will provide logistical and technical support as appropriate throughout the evaluation process (compilation of project documents, assisting with scheduling meetings / interviews if desired, etc.).

A total of up to **35 working days** will be available for:

- *Evaluation preparation* (including finalizing the evaluation methodology, performing the initial desk review of project materials, creating and testing data collection tools, compiling a brief inception note);
- *Remote data collection*;
- *Data analysis and synthesis* (including transcription, data aggregation, writing a draft report, presenting findings to the ICJ, and incorporating feedback from the ICJ and its partners into a final report).

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

- A *inception report and evaluation plan* (due to the ICJ for approval within the first 5 working days—prior to the beginning of online interviews and meetings);
- A *draft report* detailing key findings, supporting evidence, and pragmatic recommendations (due to the ICJ Program Manager and MEL Officer for feedback within 25/30 days)
- A *final report* incorporating all relevant feedback to the ICJ and its partners, and including an *executive summary or fact sheet* to be distributed with additional stakeholders. The final report should provide brief, clear and pragmatic conclusions and recommendations, including: the degree to which the project outcomes are likely to be delivered; important lessons that can be drawn from the experience of the project and its results to date; general recommendations on improving implementation for the remainder of the project; and recommendations on further action upon completion of the current project.
- One *oral presentation of key findings* by Skype or another online platform with relevant ICJ staff after submission of the written draft report).

## Application Guidelines

The selected consultant should have demonstrated expertise in results-based project evaluation and familiarity human rights programming. Previous work experience in Africa region is required. Additional information about desired qualifications is listed below:

- Bachelor's degree in social sciences, political sciences, international law, international relations, human rights, or related field (Master's degree strongly preferred);
- Minimum 4–6 years of experience in designing, overseeing, and implementing project M&E or combination of education, training and experience;
- Experience with qualitative and quantitative M&E data collection and analysis methods;
- Experience in working in politically sensitive countries and ability to maintain security and confidentiality considerations throughout the evaluation process and beyond;
- Excellent inter-cultural communication skills and ability to forge strong cross-cultural relationships and build trust;
- 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 to Mathilde Careau, ICJ MEL officer: [Mathilde.careau@icj.org](mailto:Mathilde.careau@icj.org) by 20<sup>th</sup> of September.

Interested applicants should provide a **current CV** and a **maximum 3 page technical proposal**. These materials 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 standards and 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* and (v) the names and contact information for two recent *references*. 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 **15,000EUR**. This figure includes all costs relevant to the evaluation, including the consultant's daily rate and extra costs (interpreters), etc.