



الهيئة المستقلة لحقوق الإنسان

ديوان المظالم

The Independent Commission for Human Rights



Terms of Reference for an External Evaluation of The Palestinian Independent Commission for Human Rights (ICHR)

1. Background

The Palestinian Independent Commission for Human Rights (ICHR) was established in September 1993 and is currently operating from its temporary headquarters in Ramallah, as well as from its Regional Offices in Gaza, Nablus, Ramallah and Hebron. The Presidential Decree which established ICHR gave the organization a mandate to “follow up and ensure that all requirements to safeguard human rights are provided for in the various Palestinian laws, by-laws and regulations, and in the work of the various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization”. The Decree entrusted ICHR with the drafting of its statutes in a manner that would ensure its independence and effectiveness. ICHR submitted its draft law to the Palestinian Legislative Council in May 2005, taking into consideration the Presidential Decree No. 59 for the year 1994, Article 31 of the Amended Palestinian Basic Law, promulgated on 18 March 2003. The draft law has defined the dual personality of ICHR as being the national human rights commission with an ombudsman function. The law has not been ratified yet. In 2009, ICHR obtained full accreditation with the International Coordinating Committee of National Human Rights Institutions (ICC) and membership of the Asia Pacific Forum for National Human Rights Institutions (APF), recognising ICHR as adhering to the 1993 Paris Principles which regulate the work of national human rights institutions.

With the new political developments in June 2007, after the Hamas takeover in the Gaza Strip resulting in political division, fragmentation and internal disputes between the two major political parties (Fateh and Hamas), ICHR has had to work under extraordinarily difficult political situations that resulted in the deterioration of the human rights in the West Bank and the Gaza Strip, and a remarkable increase in violations. ICHR has had to review its working strategies and make prompt decisions in dealing with the *de facto* Authority in the Gaza Strip. Despite those unanticipated developments, ICHR has functioned efficiently to protect and promote human rights and the rule of law, and defend Palestinian citizens' rights within the Palestinian-controlled Territory regardless of the perpetrator.

ICHR achieves its objectives through the following activities:

- Handling and processing complaints submitted by citizens related to violations of legal and human rights, maladministration and abuse of power;
- Conducting reviews of Palestinian laws, by-laws and draft laws to make sure they conform with international standards and principles of human rights;
- Lobbying and advocacy work with decision-makers and legislators to ensure that policies and legislation are in conformity with international human rights standards;

- Awareness Building Programs to educate and wider disseminate the culture of human rights and law among Palestinian citizens, and to raise their awareness of their rights and freedoms and the mechanisms for their protection from violations;
- Training programs on law and human rights targeting Palestinian Government Officials to ensure the performance of their duties with due respect of the law and human rights principles;
- Training programs in Gaza targeting civil society organisations;
- Publishing special and legal reports and the Annual Report on the status of Palestinian citizens' rights and the violations of those rights by the authorities.

2. Objectives of the External Evaluation

An external evaluation is intrinsic to developing ICHR's institutional capacity, by assessing the organization's current performance and assisting in defining future directions. The purpose of this evaluation is to:

- Review ICHR's program activities and inter-institutional coordination;
- Assess the success of ICHR in achieving its dual role/function, both as an ombudsman and a national human rights commission;
- Assess the success of ICHR in achieving its stated objectives, in terms of relevance, efficiency, effectiveness, impact and institutional capacity;
- Identify barriers to effective operation and provide recommendations for overcoming these;
- Draw recommendations for the future development of ICHR, feeding into ICHR's strategic planning process which will take place during August– September 2010.

The evaluation will review the implementation of ICHR's activities in the following areas:

- ICHR role as an ombudsman in protecting citizens rights to access public services provided by the government;
- Receipt of and handling of complaints of human rights abuses;
- Legal and judicial interventions of ICHR;
- Activities related to legal reviews;
- Public awareness (and training) activities;
- Public relation and media strategy;
- Research and publications;
- Coordination and networking, at the national, regional and international levels;
- Relation with the government bodies and security apparatus
- Institutional development regarding coordination with international and national NGOs;
- Gender equality policy and gender mainstreaming;
- Administrative and financial management procedures and internal control mechanisms;
- Organizational structure in terms of its overall effectiveness and efficiency for the management of the program and the delegation of authority and decision-making processes within the institution;
- Institutional development and capacity building;
- Organizational and personnel management systems;
- The workings of the Board of Commissioners- was the activation of the full board members successful;
- The workings of the Donors' Consortium;
- Identification of the strengths and weaknesses of ICHR.

In addition, the evaluation will assess the ability of ICHR to adapt to changing situations, risks and external factors, and longer-term sustainability.

3. Specific questions to be addressed

The six main questions that the evaluation should address are:

1. To what extent are ICHR and its programs and structures relevant and appropriate to meeting the contemporary human rights needs of the Citizens of the Occupied Palestinian Territory?
2. How effectively and efficiently has ICHR implemented the two strategic objectives identified in the Strategic Plan 2008-10 and the 25 specific objectives identified in the Plan of Action for 2009, through its complaints handling, public awareness, research and law reviews functions and its four regional offices as well as what has been implemented so far in the plan of action 2010?
3. To what extent are ICHR's management and organizational structures and systems appropriate to the implementation of legal mandate and its Strategic Plan?
4. To what extent has ICHR implemented its Strategic Plan for 2008-10? In particular, has it successfully undertaken all the projected activities in the Plan and its annual Plans of Action?
5. To what extent has ICHR implemented the recommendations of the External Evaluation conducted in 2007 by Professor Brian Burdekin, Mr Bill Chapman and Professor Nahla Abdo? To the extent that any recommendations have not been implemented, are those recommendations still relevant to ICHR and still requiring attention?
6. What recommendations does the Evaluation Team make for the more relevant, effective and efficient operations of ICHR during the period of its next strategic plan?

In addressing these main questions, the Evaluation Team may have regard to the following issues:

Relevance

- Are ICHR's individual activities in complaints handling, public awareness, research and law review well designed and relevant to the current political and social environment?
- Do they advance and show consistency with ICHR's mission statement and organisational objectives?
- How effective are the methodologies for identifying public awareness target groups and research priorities?

Effectiveness and Efficiency, including Cost Effectiveness, of the Program

- Have ICHR's activities in complaints handling, public awareness, research and law review met their goals?
- Have they been efficiently implemented?
- What are the barriers hindering effective or efficient implementation?
- How it's related to the financial management?

Impact

- Have ICHR's complaints handling, public awareness, research and law review activities reached their designated target groups, including government authorities, complainants, training participants and the general public?
- How have the activities impacted on these target groups?
- Have there been any regional imbalances in the distribution of activities?

Institutional Capacity

- Have activities strengthened the capacity of ICHR and its operations?
- How has capacity building programmes impacted on staff?
- Do ICHR's organisational and personnel management systems enable effective program implementation?
- How effective is coordination and communication within and between ICHR offices?
- How effective is liaison and communication between ICHR and its donors, in light of the consortium arrangement?
- How do the activities of the Board of Commissioners and its relations with ICHR offices impact on the organisation's activities?
- How effective is ICHR's financial management?
- How effective is ICHR's international networking, including coordination/ recognition?

Final Performance Rating

- What is the extent of ICHR's overall progress in meeting its objectives and mission statement?
- What are possible adjustments for the organisation's activities and management systems that would maximise ICHR's efficiency and relevance in the future?

4. Composition of the Evaluation Team

The Evaluation Team will be composed of three experts, one international consultant and two Palestinian consultants. Among consultants, two will be commissioned full time (20 working days) to review and evaluate effectiveness and efficiency of the program and one of them will be the team leader. The other national consultant will be commissioned for 5 days to review and evaluate ICHR's institutional capacity, including administrative and financial management procedures.

5. Methodology

The evaluation will be undertaken in July 2010 and consist of three stages:

4.1 Literature Review (3 days)

The Evaluation Team will review the following documents: background material, narrative and financial reports, strategic plan, annual plans, log frames and budgets, evaluations of individual projects (complaints handling mechanism, awareness - raising) and/or interventions, publications, and other materials produced by ICHR, External Evaluation Report (2007) and ICHR's Annual Reports. ICHR will prepare a grid to indicate whether and the extent to which individual recommendations in the 2007 Evaluation Report and individual activities in the 2009 Plan of Action have been implemented.

4.2 Field Visit: (12 days)

The Evaluation Team will meet with ICHR representatives on the first day to discuss the final plan of the field visit. The team will conduct interviews with ICHR Executive and Technical Teams and other members of staff, Commissioners and donors, as well as with a representative sample of relevant key government and NGO counterparts, and any other entity and/or individual as deemed necessary by the Evaluation Team. This can also include site visits and attendance of and participation in meetings and activities. The team will visit the Ramallah, Nablus, Hebron and, if possible, Gaza Regional Offices (otherwise through video conference with Gaza). The team will also inspect additional documents not seen in the initial document review.

4.3 Reporting: (5 working days)

The Evaluation Team will present its initial findings, in summary form, to ICHR management, senior staff and Commissioners at the end of its field visit as well as to the consortium donors. The final report will be submitted following ICHR's comments on the initial findings. The report will be prepared and presented jointly by the team of experts. The report should be submitted in English (not later than a week after the field visit), and ICHR will ensure translation into Arabic.