

Terms of Reference End of Programme Evaluation

Programme (Evaluation object): ILAC MENA Programme 2018-2021
Programme Period: 01 June 2018 – 31 December 2021
Type of Contract: Consultancy
Timeframe of Evaluation: July – November 2021
Application Deadline: 28 June 2021

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1. Background

Established in 2001, the International Legal Assistance Consortium ([ILAC](#)) is a rule of law organisation comprising over 80 professional legal associations, NGOs and individual legal experts from more than thirty countries. Gathering its members' legal expertise and competencies from various contexts and legal traditions, ILAC works to strengthen the rule of law, empower legal professionals and ensure equal access to justice for all where people's justice needs are the greatest – in conflict, crisis or transitions to democracy – through justice needs assessments, programme coordination and international policy dialogue.

ILAC is a recipient of development funds from the Swedish International Development Cooperation Agency ([Sida](#)) and is currently coordinating the implementation of rule of law programmes in Syria, Tunisia, Libya, and Cuba, in addition to regional initiatives in the Middle East and North Africa and Latin America and the Caribbean. Moreover, ILAC and its members are conducting rule of law assessments where there is a clear demand from national or international actors to gather more systematic information on the rule of law status of a country.

ILAC has been engaged in the MENA region since its establishment, and increasingly so following the Arab Spring in 2011. In 2018, ILAC consolidated its support to justice sector actors in the MENA region in a SEK 46 million¹ multi-year programme, which is currently under implementation together with five member organisations. Working closely with our national partners, the overall objectives of the programme are to support selected justice sector institutions, associations and actors in MENA to ensure equal access to justice, enhance public trust in the judiciary and promote human rights and transitional justice. The Programme is in its final year of implementation and an external end-of-programme evaluation is scheduled, as per agreement with Sida.

2. Description of Programme

More than a decade after the uprisings of the Arab Spring the MENA region remains fragile, where some countries are on a positive trajectory toward democracy, and others continue to be entrenched in cycles of violence and civil war. The outcomes of the revolutions have often not matched expectations of ordinary people when it comes to visible signs of change and progress in strengthening the rule of law, with public trust in the justice system and its institutions at a low ebb.

The programme builds on the lessons learned and experience from ILAC's preceding *MENA Programme 2014-2016* as well as that of the bridging period 2017-2018. It seeks to build on the results at the regional level and at a country level in Tunisia and Libya that ILAC has achieved together with its members' commitment to, and partnership with, national and regional actors in strengthening the rule of law. At its core, the programme does this through three objectives aimed at:

- (1) addressing the perceived breakdown in trust between citizens and the judiciary;
- (2) strengthening justice sector institutions' ability to perform their functions and provide equal access to justice to rights-holders; and
- (3) supporting justice efforts by Libyan civil society and justice sector actors and preparing them for an eventual post-conflict transition.

The Programme has the following result areas:

Programme Goal:	Selected justice sector institutions, associations and actors in MENA ensure equal access to justice, enhance public trust in the judiciary and promote human rights & transitional justice.
Outcomes	Outputs
1. ILAC secretariat supports relevant and effective rule of	1.1. Results-oriented M&E has been strengthened
	1.2. Accountability for results and financial resources respected

¹ SEK: Swedish Krona (equivalent to approx. USD 5.3m)

law reform by guiding and facilitating its members' work	1.3. Platform for coordination, dialogue, and exchange of experience has been created and facilitated
	1.4. Secretariat has facilitated learning and synergies amongst ILAC member organisations
2. Targeted Tunisian legal and justice sector actors apply more effective, transparent and accountable practices	2.1. Effective management of administrative services of the administrative court system to benefit men and women equally, and increased knowledge and skills for effective communication demonstrated by court personnel
	2.2. Increased ability of Tunisian judges to adjudicate violations of men and women's ESC rights in line with international human rights standards
	2.3. Increased capacity of selected Tunisian lawyers and human rights activists to understand and apply international human rights principles pertaining to protection of men and women's ESC rights in their professional practice
	2.4. Selected Tunisian judges, lawyers and activists have increased capacity to deliver peer-to-peer training on economic, social and cultural rights
3. Improved judicial and legal education contributes to legal and justice sector professionals applying human rights to benefit men and women equally	3.1. Improved capacity of judicial training institutes (JTIs) and legal practitioners to deliver human rights education using the Human Rights integrated methodology, with reference to the human rights of women and girls
	3.2. The capacity of the organised legal profession to effectively train new and practicing male and female lawyers to provide competent counsel to clients in Tunisia is increased
4. Libyan civil society and justice sector promote human rights, gender equality and transitional justice processes	4.1. The capacity of Libyan human rights activists to effectively protect the human rights of men and women and promote human rights culture is enhanced
	4.2. Libyan male and female citizens' awareness of their essential rights and freedoms is enhanced
	4.3. Libyan legal and judicial professionals have an increased capacity to participate in and pursue transitional justice efforts sensitive to the needs of men and women

The programme is jointly implemented with ILAC member organisations National Center for State Courts ([NCSC](#)), International Bar Association's Human Rights Institute ([IBAHRI](#)), Raoul Wallenberg Institute of Human Rights and Humanitarian Law ([RWI](#)), American Bar Association's Rule of Law Initiative ([ABA ROLI](#)), and the Public International Law & Policy Group ([PILPG](#)). The period of implementation is 2018-06-01 to 2021-12-31. The programme implementation end date was prolonged from 2021-05-31 to 2021-12-31 (through a no-cost extension), following the disruptions caused by the Covid-19 pandemic. The implementing members' respective projects will be ending at different schedules.

For more information about the programme, implementing members and respective projects, visit [ILAC's MENA Programme page](#).

3. Purpose and Scope of the Evaluation

The end of programme evaluation will be vital to gathering systematic information on the effectiveness and efficiency of the interventions implemented by ILAC's members between 2018 and 2021, as well as ILAC's role as a coordinating mechanism. Emphasis is to be placed on assessing the sustainability of the interventions.

The main purposes of the final evaluation are the following:

- **Accountability:** Provide credible and reliable analysis on the results of the programme, including in the areas of programme design, implementation, impact on beneficiaries and partners, and overall results. Provide high quality assessments accessible to a wide range of audiences, including ILAC's donor and foreign governments that have rule of law as a priority, ILAC's member organisations, local actors and programme stakeholders, international rule of law organisations and other actors.
- **Learning:** Identify unique approaches to enhance access to justice and rule of law in fragile and conflict settings. To this end, the evaluation will particularly assess the interventions of member organisations that have implemented activities in the abovementioned countries in the

MENA region, with an emphasis on Tunisia and Libya, to identify particular approaches and methodologies that are effective in meaningfully and tangibly advancing access to justice for all while at the same time enabling justice actors to perform their duties.

- **Improved evidence-based decision-making:** Identify lessons learned from the experience of member organisations in order to influence policy and practice at local, regional and global levels. Inform and strengthen ILAC's planning and programming by providing evidence-based knowledge on what works, why and in what context.

The evaluation will assess the implementation undertaken by ILAC's five implementing members (see above), as well as the ILAC Secretariat's roles and responsibilities as a coordinator in the Programme. ILAC's members have been implementing activities primarily in Tunisia and Libya, with one regional component with activities in Algeria, Iraq, Jordan, Lebanon, Morocco, Palestine and Tunisia. Needs assessments were undertaken prior and during implementation, starting in 2017, and the evaluation will capitalise on these products, as well as other guiding documents produced throughout the programme cycle.

The substantive scope of the evaluation will be to analyse the *relevance, efficiency, effectiveness, impact, sustainability* and *partnerships* of the Programme objectives in terms of results achieved against objectives, change within the area of rule of law and access to justice, ownership of stakeholders, sustainability of the action, both financially and organisationally. It should consider the nature of the Programme implementation, exploring the extent to which it has allowed the Consortium to work in a more coordinated manner among the members, but also vis-à-vis external partners, and the efficacy of the model.

4. Evaluation Criteria, Questions and Methodological Approach

The evaluation should address the following criteria, guided by the questions below:

#	Evaluation Criteria	Guiding questions
1	Relevance	<ul style="list-style-type: none"> ▪ To what extent has the project conformed to the needs and priorities of the beneficiaries (justice sector actors)? ▪ How well were the problems understood, analysed and strategies and actions developed and thought through in the Programme cycle? ▪ In the evolving landscape and sensitive context, what is the significance of this Programme and how do the results meet the overall goal to promote rule of law? ▪ To what extent and in what ways did the Programme contribute to the goals set by ILAC and its members?
2	Efficiency	<ul style="list-style-type: none"> ▪ Can the costs for the project be justified by its result - i.e. has the Programme been efficient in achieving results as compared to the investments made? ▪ The Programme has adopted a thematic multi-dimensional approach, spanning across a number of legal areas. Has this impacted the efficiency of the Programme or the overall impact? ▪ Has there been coherence in the various strategies adopted by the Programme? In what ways? What other approaches could have been taken to maximise efficiency? ▪ How adequate were the training initiatives undertaken as part of the Programme? ▪ How does/or does not the Programme utilise existing local capacities of right-bearers and duty-holders to achieve its outcomes?
3	Effectiveness	<ul style="list-style-type: none"> ▪ To what extent has the Programme contributed to intended delivery towards outcomes? If so, why? If not, why not?

		<ul style="list-style-type: none"> ▪ To what extent have capacities of duty-bearers and rights-holders been strengthened as a result of the Programme? ▪ How well were the training initiatives and training material tailored, designed, planned to make achievements towards the Programme goals? ▪ Have the M&E system and tools delivered robust and useful information that could be used to assess progress towards outcomes and contribute to learning?
4	Impact	<ul style="list-style-type: none"> ▪ To what extent has the programme generated, or is expected to generate, significant positive or negative, intended or unintended results? ▪ What and where have there been the gaps? ▪ What factors explain where there's been impact? What explains where there's been little or none?
5	Sustainability	<ul style="list-style-type: none"> ▪ Is it likely that the results of the Programme are sustainable? ▪ What is the probability of programme continuity at the level of justice actors in the relevant countries? ▪ How well are the institutions capacitated to sustain their approach and work beyond the Programme?
6	Partnership	<ul style="list-style-type: none"> ▪ How well has the partnership between the ILAC secretariat and its implementing member organisations worked in obtaining the results in the Programme? ▪ How well have the partnerships between ILAC's member organisations and third-party actors / organisations worked in obtaining results in the Programme? Are the partnerships likely to continue beyond the Programme period? ▪ To what extent have the partnerships amongst ILAC, its implementing members and local stakeholders allowed space for local ownership? ▪ What learning can be drawn from the partnerships made in the Programme?

Additional guiding questions:

External:

- Has the Programme been designed and implemented in a conflict-sensitive manner?
- Has the Programme been implemented in accordance with a rights-based perspective? Have target groups been participating in programme planning, implementation and follow up? Has anyone been discriminated by the programme through its implementation? Has the programme been implemented in a transparent fashion? Are there accountability mechanisms in the programme?
- Has the Programme had any positive or negative effects on gender equality? Could gender mainstreaming have been improved in planning, implementation or follow-up?

Internal:

- How well has the Programme been integrated into ILAC's and its member organisations' operational frameworks and implementation modalities?
- How well has the Programme contributed to the ILAC's strategic objectives,² in its capacity as an international legal consortium?
- How well has the Programme capitalised on the expertise (legal or other) of ILAC's member organisations in the programme design, development and implementation?

² See [ILAC's 2017-2021 Strategy](#)

The evaluation will use methods and techniques as determined by the specific information collection requirements, the availability of resources and the priorities of the Programme stakeholders. The consultant is expected to identify and utilise a wide range of information sources for data collection, including but not limited to:

- 1) desk review of relevant information sources (see point 6 below).
- 2) interviews and/or surveys with key informants, including beneficiaries, staff of the ILAC Secretariat and of implementing member organisations, Sida, Swedish Ministry of Foreign Affairs, legal experts, and other international actors.

5. Use of the Evaluation Report

- The report will be used by programme stakeholders, implementing member organisations, the ILAC Secretariat and its governance bodies to inform strategic decisions on the future direction and design of programmes, and feed into ILAC's new Strategy (2022).
- The findings will inform the development and design of a new MENA programme, in line with identified regional challenges and with donors' strategic priority areas.
- The evaluator will provide inputs for a Reference Group (see section 7 for more information) to design a complete dissemination plan of the evaluation findings, conclusions and recommendations with the aim of fostering sustainability, scaling-up, and sharing of good practices and lessons learnt among ILAC members and actors working to promote rule of law at local, national and international level.

6. Existing Information Sources

- Programme documents and project notes
- Progress reports and annual reports
- Reports from training and workshops and other events, including mission reports
- Consultations reports
- Financial reports
- Needs assessments and studies
- Programme documentation, incl. assessments
- External communication

7. Methodology

The Evaluation is intended to be a systematic learning exercise for ILAC, including its member organisations, programme partners and programme staff at the ILAC Secretariat. The exercise is therefore structured to generate and share experiences and practical knowledge gained from the implementation of the Programme activities. To achieve this, the evaluation will take place in a consultative and participatory manner. It is important to emphasise that the final evaluation is not conducted for the purpose of measuring individual or institutional performance but for validating the Programme design, and its effectiveness towards achieving the results as set forth in the Programme Document. Based on initial consultations agreed with the Programme stakeholders, the Evaluator will perform the following responsibilities under this assignment:

- An initial meeting between the Evaluator(s) and ILAC shall be organised to get a briefing on the Programme, determine the scope and methods and develop a feasible work plan.
- The Evaluator will conduct a desk review of relevant documents to feed into the Inception Report with detailed scope of work and methodology, including methods and tools used for data collection and analysis. The Inception Report should detail the evaluator's understanding of what is being evaluated and why, contextualise the framework of evaluation questions listed

above, showing how each evaluation question will be answered by way of: proposed methods, proposed sources of data, and data collection procedures. The Inception Report should also include a proposed schedule of tasks, activities and deliverables.

- The Evaluator will suggest and use methods and techniques as determined by the specific needs of information, the availability of resources and the priorities of stakeholders. The Evaluator is expected to analyse all relevant information sources and conduct interviews and, if relevant, focus group discussions or case studies, as means to collect relevant data for the evaluation, using a mixed-method approach that can capture qualitative and quantitative dimensions. This should be described in detail in the inception and final evaluation reports and should be linked to each of the evaluation criteria listed above.
- The methods used should ensure the involvement of the main stakeholders of the Programme where they would actively take part in providing in-depth information about how the Programme was designed, implemented, what has been changed in their status and how the Programme helped them in their functions. The evaluator will develop specific questionnaires pertinent to specific group of stakeholders of the Programme. If the Covid-19 pandemic and other circumstances allow, the Evaluator may undertake in-country missions to collect information.
- A Reference Group will be set up and led by ILAC, with the objectives of steering and quality assuring the evaluation process (more on this below). The Inception Report, including methodology and tools, will be finalised in consultation with the Reference Group.
- The Evaluator will share the Draft Report and make a presentation on the key findings to the Reference Group and member organisations. Based on the feedback from the Reference Group, the Evaluator will finalise the draft.

8. Management of the Evaluation

The Evaluator will be contracted by ILAC, and the evaluation will be managed by a staff member involved in the Programme. ILAC will select the evaluator(s) by applying a competitive and score-based selection process, and will be responsible for ensuring that the evaluation process is conducted as stipulated, quality-assuring the evaluation design, and monitoring progress.

The Evaluator(s) will be responsible for all methodological tools such as surveys and questionnaires.

A Reference Group with selected staff members of the ILAC Secretariat will be created to ensure an efficient, participatory and accountable evaluation process and facilitate the participation of stakeholders.

The role of the Reference Group will extend to all phases of the evaluation, including:

- Identifying information needs, customising objectives and evaluation questions and delimiting the scope of the evaluation (ToR), based on a review of the Inception Report.
- Facilitating the participation of those involved in the evaluation.
- Providing input and guidance on the evaluation planning documents.
- Facilitating the consultant's access to all information and documentation relevant to the intervention, as well as to key actors and informants who should participate in interviews or other information-gathering methods.
- Monitoring the quality of the process, the documents and deliverables that are generated.
- Receiving key evaluation deliverables such as the Inception Report and Draft Final Report, providing input and feedback as needed.
- Developing and implementing a management response to the evaluation's recommendations.
- Disseminating the results of the evaluation, especially among the organisations and entities within their interest group.

Throughout the evaluation process and upon submission of key deliverables, the Reference Group will keep Sida informed and allow the appropriate focal point to provide inputs and comments.

9. Evaluation Deliverables

The Evaluator(s) will be expected to conduct the evaluation over approximately a 4-month period, to be ready by mid-November 2021. The Evaluator(s) is responsible for submitting the deliverables in the table below. The timing of each deliverable shall be suggested in the proposal and will be subject to discussion with the Reference Group.

Deliverable	Description
Inception Report	<p>The Inception Report will be completed after initial desk review of programme documents. It will include:</p> <ul style="list-style-type: none"> ▪ Introduction ▪ Background to the evaluation: objectives and overall approach ▪ Identification of evaluation scope ▪ Main substantive and financial achievements of the Programme ▪ Description of evaluation methodology/methodological approach, data collection tools, data analysis methods, key informants, an evaluation questions matrix, work plan and deliverables ▪ Criteria to define the mission agenda, if applicable <p>The report will be used as an initial point of agreement and understanding between the Evaluator(s) and ILAC's Reference Group.</p>
Final Evaluation Report & Validation Workshop	<p>Initial Draft of the Final Evaluation Report</p> <p>The initial draft shall include the following:</p> <ul style="list-style-type: none"> ▪ Programme description ▪ Evaluation purpose and intended audience ▪ Evaluation methodology (including constraints and limitations on the assessment conducted) ▪ Evaluation criteria and questions ▪ Findings and analysis ▪ Conclusions ▪ Recommendations (prioritised, structured and clear) ▪ Lessons Learnt
	<p>Validation workshop</p> <ul style="list-style-type: none"> ▪ A PowerPoint presentation of preliminary findings ▪ Workshop with ILAC Reference Group and implementing members based on the findings
	<p>Final Evaluation Report</p> <p>In addition to reviewed and updated content of the draft report, the final evaluation report will include the following:</p> <ul style="list-style-type: none"> ▪ Cover Page ▪ Executive summary ▪ Any additional insights that may arise from the validation workshop ▪ Annexes, including interview list (without identifying names for the sake of confidentiality/anonymity) data collection instruments, key documents consulted, TOR, Reference Group members, etc. <p>A draft final report will be shared with the evaluation Reference Group for final validation. The final report will be approved by Sida.</p>
Evaluation Brief	<ul style="list-style-type: none"> ▪ The evaluation brief may be an adaptation from the Executive Summary, shall include a brief description of the programme, its context and current situation, the purpose of the evaluation, its intended audience, its methodology and its main findings, conclusions and recommendations.

	<ul style="list-style-type: none"> ▪ The evaluation brief should be a product in itself and will be translated into Arabic to ensure access by all stakeholders if needed.
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10. Evaluation quality and standard

The evaluation should follow the OECD/DAC's *Quality Standards for Development Evaluation*,³ and the consultant should use the *OECD/DAC Glossary of Key Terms in Evaluation*.⁴

11. Required Qualifications & Application Material

The Evaluator(s) must be independent from the evaluation object and evaluated activities, and have no stake in the outcome of the evaluation. Required qualifications include the following:

- Master's or higher-level degree in International Development, Law, Political Science or similar fields.
- At least one member of the evaluation team should have a minimum of 10 years relevant experience in undertaking evaluations. This must include expertise in undertaking evaluations of rule of law, governance and human rights-based programmes.
- Sound experience and knowledge of the justice sector, preferably in the Middle East and North Africa region.
- Substantive experience in evaluating similar development projects related to rule of law in conflict, transitional justice processes and post-conflict settings.
- Extensive conceptual and methodological skills and experience in applying qualitative and quantitative research evaluation methods.
- Excellent participatory facilitation and workshop design skills.
- Language Requirements: Excellent English writing and communication skills are required. The Evaluator(s) must be able to write strategic and concise reports, based on evidence and data.
- Proficiency in Arabic is an advantage (for at least one team member).

Individual consultants or teams are required to submit a proposal, which must include the following items:

- Summary of consultant(s) experience and background.
- List of the most relevant previous consulting projects completed, including a description of the projects and contact details for references.
- Summary of the proposed approach and methodology for the evaluation, including the involvement of the Reference Group and other stakeholders during each step, and detailed timeline of various processes and deliverables. The proposal shall also address how the consultant(s) will approach data collection given constraints of the COVID-19 pandemic.
- Proposed process for disseminating the results of the evaluation.
- Team structure, roles and responsibilities and time allocation if applicable.

The following items should be included as attachments (not included in the page limit):

- Detailed work plan.
- CV for consultant (and other team members if applicable).
- Three sample reports from previous consulting projects (all samples will be kept confidential) or links to website where reports can be retrieved (highly recommended).
- Detailed budget. The budget must include all costs related to the following items:
 - The consultant's time (and that of any other team members).
 - The daily rate for the consultant (and other team members) should be clearly specified.
 - Communication costs, office costs, supplies and other materials.

³ Available here: <https://www.oecd.org/dac/evaluation/qualitystandards.pdf>

⁴ Available here: <https://www.oecd.org/dac/evaluation/2754804.pdf>

The overall budget for the evaluation should not exceed SEK 350 000 (including Valued Added Tax or any other applicable taxes).⁵ Travel expenses will be reimbursed by ILAC to the consultant, in accordance with ILAC's Travel Policy.

12. Submission of Application

Interested candidates are invited to submit their application packages electronically, together with proposal and relevant annexes and supporting documents to the following address:

- **Patrick Hartwig**
Programme Officer
ILAC, Stockholm, Sweden
patrick.hartwig@ilac.se

The deadline for submitting applications is 28th June 2021.

⁵ SEK: Swedish Krona