



INDEPENDENT  
COMMISSION  
FOR HUMAN RIGHTS  
I C H R

**The Independent Commission for Human Rights in Palestine  
(ICHR)**

**Terms of Reference for an External Evaluation**

**April 2019**

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## List of Abbreviations

APF : Asia Pacific Forum

BoC : Board of Commissioners

CSOs : Civil Society Organisations

DIHR : Danish Institute for Human Rights

GANHRI: Global Alliance for National Human Rights Institutions

ICHR : Independent Commission for Human Rights

M&E : Monitoring and Evaluation

MIS : Management Information System

NGO : Non-Governmental Organisation

NHRI : National Human Rights Institution

PLC : Palestinian Legislative Council

PLO: Palestinian Liberation Organization

PNA : Palestinian National Authority

UN : United Nations

# 1. Background

The Palestinian Independent Commission for Human Rights (ICHR) is the Palestinian National Human Rights Institution, established by Presidential Decree No. (59) of September 1993 and is currently operating from its headquarters in Ramallah, as well as its five Regional Offices in the West Bank and the Gaza Strip. It is also a constitutional institution stipulated for in (Article 31) of the Palestinian Basic Law of 2003. The Presidential Decree provided the institution the mandate to *“follow up and ensure that all requirements to safeguard human rights are provided 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 PLO”*.<sup>1</sup> The Decree also entrusted ICHR with the drafting of its statutes in a manner that would ensure its independence and effectiveness. Article (31) of the Basic Law stipulated that “An independent commission for human rights shall be established pursuant to a law that will specify its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council” (PLC).

ICHR accordingly, has submitted its draft law to the PLC in May 2005, taking into consideration the Presidential Decree No. (59) officially published in the Palestinian Gazette in 1995, and 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 draft law has been discussed at the PLC in its general reading, but then the process was disrupted with the freezing of the PLC after the 2006 PLC elections and the internal political division in June 2007. ICHR’s statutes hence will only be passed once reconciliation is achieved, new PLC elections undertaken, and the PLC convenes.

ICHR, as the Palestinian National Human Rights Institution (NHRI), works under a unique and complicated political situation compared with other NHRIs. It has always operated in a conflict zone, with the absence of a Palestinian sovereign state and under the Israeli prolonged military occupation. ICHR’s work is further complicated by the internal political division and the presence of two governments, one in the West Bank and another in the Gaza Strip since 2007. Despite the extremely difficult context of the Occupied Palestinian Territory, ICHR has achieved its objectives to a very high level and has been highly effective in its work of promoting and protecting human rights. It has made good, steady progress that has seen significant gains achieved and consolidated. It has become a well acknowledged HR institute at the national, regional and international level as a modality for NHRIs in the region, and in November 2015, ICHR made its application to the Sub-Accreditation Committee of the Global Alliance for National Human Rights Institutions and maintained its “A” status. Moreover, in 2018, ICHR was elected as the chair of the Arab Network for National Human Rights Institutions starting from 2020. In addition, ICHR signed a MOU

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<sup>1</sup> Clause 3.

with the Iraqi Higher Commission for Human Rights where ICHR is to provide them training and capacity building in the field of promoting and protecting human rights.

ICHR has become the reference point in law and human rights for official institutions and civil society organizations in Palestine, and an address for newly established NHRIs in the Arab region in building capacities and supporting the establishment of NHRIs in accordance with the Paris Principles. Nevertheless, ICHR continues to face great challenges and new political and human rights developments but it is well placed to meet and respond to them. This is done through the systematic review and evaluation of progress made, obstacles faced and means of mitigating them.

ICHR current strategic plan runs till the end of 2019, ICHR aims to review its current strategy in order to enhance its ability to face major changes in the Palestinian context and define its future direction with its new strategy starting in 2020.

**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 by PNA and PLO institutions<sup>2</sup> and/or officials;
- Conducting reviews of Palestinian laws, by-laws and draft laws to make sure they conform with international standards and principles of human rights;
- Interventions, mediation and litigation to bring redress to victims of specific human rights violations.
- Supporting and building the capacity of relevant authorities and civil society organizations regarding state reports, national consultations and shadow reports to human rights bodies.
- Advising and supporting the State of Palestine and CSOs in using international mechanisms.
- Providing consultation and filling in an advisory role to PNA official institutions to ensure their compliance with law and principles of human rights when conducting their tasks and duties.
- Lobbying and advocacy work with Palestinian decision-makers and legislators to ensure that policies and legislation are in conformity with international human rights standards;
- Awareness Building Programs to educate and widely 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 Law Enforcement and Government Officials to ensure the performance of their duties with due respect for the law and human rights principles;
- Monitoring, documenting and reporting on the human rights situation in Palestine. This includes the publication of monthly reports, special and legal reports, fact-finding and investigation reports on specific human rights issues, and last but not least ICHR's Annual Report on the status of human rights in Palestine.

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<sup>2</sup>While the Presidential Decree mentions the monitoring of PLO institutions, ICHR work since 1993 has mainly focused on PNA institutions in areas under the control of the PNA official institutions and security agencies.

## **2. Objectives of the External Evaluation**

An external evaluation is intrinsic to the further development of ICHR's institutional capacity, by assessing the organization's current performance and assisting in defining future directions. The purpose of this evaluation is to assess the overall achievement of the ICHR's three-year (2017-2019) Strategic Plan and quality of implementation as well as the overall impact of the Strategy by reviewing ICHR's program activities and inter-institutional coordination undertaken during the period under review. The consultant will work with ICHR to document its strategy progress based on the outcomes with clearly indicative measurements and result-oriented methodology.

The evaluation shall be two-fold;

- 1) Assess the relevance of ICHR program activities and structures to the goal of consolidating and strengthening the role of ICHR as the Palestinian national institution for human rights with the function of an ombudsman, considering Palestine accession to a number of international conventions and treaties; and  
Assess how appropriate ICHR's management, organizational structures and systems are for the implementation of its legal mandate and strategic plan, in consideration that ICHR shall play an important role in establishing the National Prevention Mechanism.

### **The evaluation shall:**

- Assess the success of ICHR in achieving its dual role/function, as both an ombudsman and an independent national human rights commission, again considering the accession of Palestine to several international conventions and treaties;
- Assess the success of ICHR in achieving its stated goals and strategic objectives, in terms of relevance, efficiency, effectiveness, impact, institutional capacity, sustainability and risk management;
- Assess ICHR's efforts to mainstream the rights of marginalized groups into the work of the institution (women, children and persons with disabilities), and the knowledge and expertise of ICHR in addressing economic, social and cultural rights, again considering the different international conventions and treaties Palestine has acceded to
- Assess different stakeholders' satisfaction from the programs and interventions implemented by ICHR.
- Assess ICHR's implementation of the recommendations from the External Evaluation conducted in 2016 and to the extent that any recommendations have not been implemented, if those recommendations are still relevant to ICHR and still require attention?
- Review ICHR's developed "Logical Framework" to measure impact, highlight gaps and suggest ways for the further development of measurable indicators to measure performance and achievements of ICHR at the level of impact, objectives and outputs. How efficient is ICHR's "Logical Framework" in assessing achievements made by the commission, and how do the reporting templates developed by ICHR on its basis serve the interests of the

organization in reporting on activities and work undertaken. Identify barriers to effective operation and provide recommendations for overcoming those obstacles.

- What recommendations does the Evaluation Team make for more relevant, effective and efficient operations of ICHR during the period of its next strategic plan 2020 - 2022?

In this context, the following are the main priority issues and questions that need to be addressed:

**Outcome 1: Targeted duty bearers and rights holders in Palestine actively engage in human rights compliance.**

- 1.1 How do you assess ICHR's training and awareness raising strategy? How effective are they in increasing the awareness amongst the public and duty bearers about human rights?
- 1.2 How do you assess ICHR's partnerships with the media in order to increase the spread of its awareness materials? And what about ICHR's use of social media tools to promote ICHR activities and human rights? Was ICHR able to utilize all media outlets (including ICHR website and social media networks and other innovative ways) for the dissemination of a culture of human rights in Palestine. How can ICHR further enhance this role?
- 1.3 How effective is ICHR role in influencing the education to have vital role in promoting and disseminating a culture of human rights?
- 1.4 How do you assess ICHR's role in training duty bearers about their duties and legal obligations towards rights-holders? (Legal and human rights reports, lobbying and advocacy activities...etc.). How are ICHR's reports received? Do they constitute a reference point to other human rights organizations and other stakeholders? Are those recommendations, especially those highlighted in the annual report seriously addressed and implemented? What are the suggestions for more efficient follow up on ICHR's recommendations?

**Outcome2: Progressive legislative, policy and institutional environment that safeguards human rights in Palestine and in conjunction with SDGs**

- 2.1 How do you assess ICHR's advocacy role for the adoption of Palestinian legal frameworks that prohibit torture? And its role in revising/introducing torture prohibition policies and instructions especially in Palestinian prisons and detention centers annually?
- 2.2 How do you assess ICHR's advocacy role for the adoption of Palestinian legal frameworks that prohibit death penalty?
- 2.3 How do you assess ICHR's work on supporting and monitoring whether regulations and policies issued in the form of laws by decrees as well as previous laws related to social and economic and cultural Rights are consistent with international conventions and treaties on human rights? And campaigns related to legislation and policies which are conducted in cooperation and coordination with CSOs? How do you assess ICHR's work on monitoring policies and legislations with focus on legislations related to vulnerable groups (especially women and children) who are victims of violence?

2.4 Is ICHR effective in reviewing national plans in line with human rights-based approach as well as with all international conventions and treaties Palestine has acceded to?

**Outcome 3: Duty bearers including security forces, civil public institutions, detention centers and rehabilitation facilities comply with the International Human Rights Standards, through continuous ICHR activities that promote prevention, protection, accountability and redress for human rights**

- 3.1 Complaints Handling: to what extent is ICHR successful in receiving and handling citizens' complaints of human rights abuses? Is ICHR capable of maintaining wide access by Palestinians to complaint mechanisms? Was ICHR's complaints handling efficient, proficient and responsive to complaints' needs? Does ICHR have the right data collection and reporting system to reflect on developments of human rights situation in Palestine? Should ICHR expand its reporting on human rights situation beyond its complaints system? What other data collection could or should be in place?
- 3.2 Is ICHR capable of identifying patterns of human rights violations? And has the institution generally been able to effectively intervene to address specific human rights violations and bring redress to victims? What future procedures can ICHR develop to further enhance its future interventions at the national, regional and international levels?
- 3.3 How is the performance of ICHR in monitoring prisons, detention centers, penitentiaries and protection homes? How can ICHR further enhance its monitoring role to those facilities, especially in regards to official support for ICHR to play a role in establishing the National Prevention Mechanism (NPM)?
- 3.4 How do you assess ICHR's work with official duty-bearers, especially from security agencies, to develop transparent procedures and systems to ensure accountability in cases of violations of human rights? Is ICHR also cooperating with other human rights organizations and CSOs in developing civilian oversight over Palestinian security agencies?
- 3.4 How is ICHR conducting its monitoring and documentation to specific human rights violations? Is this monitoring and documentation reflected in ICHR's reporting (monthly reports, fact-finding, special and annual reports)?
- 3.5 How do you assess ICHR role in promoting Women's access to justice? And in improving the policies and judicial proceedings towards a gender non-discriminative environment? Is ICHR effective in monitoring gender-based violence cases?
- 3.6 How do you assess ICHR's legal and judicial interventions? Do you recommend that ICHR further develop its judicial interventions and litigation in human rights and principled cases of high interest to the public? What other relevant suggestions does the evaluation team propose to further enhance ICHR's role in judicial interventions and litigation?
- 3.7 Has ICHR sufficiently utilized national, regional and international mechanisms for the protection and promotion of human rights? (i.e. official transfer of cases to the public

prosecutor, UN special procedures...etc.) With the promotion of Palestine into an “Observer State” with the UN, how can ICHR further enhance its interventions at the international level?

3.8 How do you assess ICHR role in monitoring the local government units’ service provision to marginalized communities? Are they effective, accountable and transparent?

**Outcome 4: Progressive ratification, reporting and compliance with International Human Rights Mechanisms and use of the international mechanisms in general including special procedures to protect Palestinian Human Rights**

4.1 Assess ICHR’s engagement with the UN mechanisms for the protection and promotion of human rights, especially in highlighting Israeli infringements on Palestinian human rights and the respective impact on the State of Palestine’s capability of fulfilling its obligations, by focusing on the following:

- a. Submission of written and oral statements before the Human Rights Council.
- b. Attending the regular session of the Human Rights Council and the special sessions on the oPt (if any), especially those related to permanent agenda item (7) related to the 1967 Arab occupied territory.
- c. In engaging with the human rights’ special procedures (country specific and thematic) by the provision of information on human rights issues that fall within their mandate.

4.2 Assess ICHR’s performance in supporting the reporting process for human rights treaties:

- a) Providing advice, consultation and guidance to official Palestinian duty-bearers on their legal obligations before treaty-bodies especially through the regular representation of ICHR on the permanent inter-ministerial committee for treaty-bodies reporting.
- b) Review draft initial reports submitted by the State of Palestine, and provide consultation and recommendations before the submission of the initial reports to treaty bodies.
- c) The preparation of the parallel reports related to the initial reports submitted by the state.
- d) Work in partnership with human rights and CSOs in the preparation of their shadow reports to treaty bodies.
- e) To assess ICHR relationship with Palestinian civil society organizations and newly established coalitions
- f) Follow up on the recommendations given by the different treaty-bodies to the state of Palestine to ensure the implementation of those treaties, and the dissemination of those recommendations to the public
- g) Facilitation of the national consultations on the state reports and work toward making them inclusive and transparent.
- h) Does ICHR have the right capacities for its added mission to train and consult on HR reporting to international conventions and treaties? Does ICHR has the

sufficient monitoring tools with human rights indicators and baselines to provide solid evidence based annual reports for progress or devaluation of human rights situation in Palestine?

- 4.3 How do you assess ICHR's Advocacy role towards the accession of the state of Palestine to Optional Protocol to the Convention against Torture? And its role in the establishment of the National Preventive Mechanism?
- 4.4 How do you assess ICHR's Advocacy role towards the accession of the state of Palestine to the Second Optional Protocol to the International Covenant on Civil and Political Rights?
- 4.5 How do you assess ICHR's Advocacy role towards the accession of the state of Palestine to the Optional Protocol to the Convention of rights of people with Disability
- 4.6 How do you assess ICHR's advocacy role towards CEDAW accession, the submission of the official report , ICHR's shadow report and CEDAW committee's recommendations.

**Outcome 5: The institutional performance of ICHR is developed to serve the achievement of its goals.**

5.1 Is ICHR sustainability enhanced? With focus on the following priority areas:

1. Ensure the independence of ICHR and its compliance with the Paris Principles regulating the work of NHRIs. This includes the review of adopted ICHR's By-Laws (2015) and the workings of BoC as the governing body of the institution.
2. Assess ICHR's cooperation with DIHR and its efficiency in increasing ICHR's capacity as an independent effective NRHI that positions itself as a driver of reform and contributes to increased respect for human rights.
3. The internal audit functions within the organization?
4. The financial management capabilities of ICHR, including the implementation of financial recommendations.
5. Institutional development and capacity building of ICHR to effectively and efficiently serve its program work in the promotion and protection of human rights, including the evaluation of the newly established Management Information System (MIS) and the Human Resource System (Fin Pack). The assessment of ICHR's organizational and personnel management systems.
6. To what extent are ICHR's management and organizational structures and systems appropriate to the implementation of legal mandate and its Strategic Plan, mainly in regards to ICHR's new arising mandate to lead the establishment of the NPM during the first few years?
7. If necessary, which amendments are suggested to ICHR's organizational structure, in order to ensure effective and efficient implementation of legal mandate and strategic objectives of the organization?
8. Capacity Building of ICHR's staff in law and human rights and other specialized areas of work, to more efficiently develop ICHR's programs in the field of human rights, and in making of ICHR a reference and an "expert home" in the field of human rights.

9. Assess ICHR's gender equality policy and gender mainstreaming.
  10. The working of the Donors' Consortium and the ability of ICHR to regularly communicate with the donors' consortium, and work in the spirit of partnership towards achieving the goals and objectives of the organization.
  11. ICHR communication plan and the increase of the involvement of Commissioners in the Commission's activities and interventions and inform the board of commissioners about the work of the executive branch.
  12. ICHR complaints guide and internal forms that are used by field researchers (e.g. complaint forms, prisons visits forms.)
  13. ICHR new code of conduct for staff and its board of commissioners.
  14. ICHR financial policies guide and the administrative policies guide as well as adopt a clear policy for printings and publications.
  15. The role of BoC in revisions of policies and supports the work of ICHR through high level meetings and interventions to advocate ICHR recommendations.
- 5.2 With respect to human rights, has ICHR a pivotal impact on decision makers? With focus on the following:

- ICHR's ability to coordinate and network at the national, regional, and international levels. The extent to which ICHR is present and effective in engaging with official Palestinian institutions, and in playing a mediating role between civil society organizations and PNA institutions at the national level.
- ICHR's ability to be a reference point in law and human rights to all stakeholders at the national, regional and international levels (including to diplomatic missions), and the contribution of ICHR in the development and capacity building of NHRIs within the region. Also, the assessment of ICHR's presence and contributions to the work of the relevant networks of NHRIs and the institutional capacities to meet requirements of regional and international networks of NHRIs (i.e. APF, GANHRI, Arab network for NHRIs...etc.)
- Are ICHR's MIS and M&E systems well developed and ready to support ICHR sustainability?

**In addressing these main questions, the Evaluation Team may pay attention 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 those activities advance and effectively serve towards achieving ICHR's mission statement and organizational objectives?
- How effective are the methodologies used 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 those activities been efficiently implemented?
- What are the barriers hindering effective or efficient implementation?
- Any creative ideas how to render ICHR activities of complaints handling, monitoring, public awareness, law review...etc. more efficient in the coming phase?
- How they are related to the financial management?
- Do ICHR's organizational 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 arrangements?
- How effective is ICHR's financial management?
- How effective is ICHR's international networking, including coordination/ recognition?

### **Impact**

- Did the ICHR's complaints handling, public awareness, research and law review activities reach their designated target groups, including government authorities, complainants, training participants and the general public?
- How did these activities impact the target group? What impact those activities had on targeted groups?
- Has ICHR used its memberships at international forums to increase its impact in defence of citizens' rights?

### **Institutional Capacity & Governance**

- Did these activities strengthen the capacity of ICHR and its operations?
- How did capacity building programs impact the staff in relation to implementing the agreed upon strategy?
- Any further recommendation/s for capacity building and Governance that would positively impact the implementation of future strategies and work plans?

### **Sustainability and Risk Management**

- The evaluation will assess the ability of ICHR to adapt to changing situations, risks and external factors. Is the work and mandate of the institution still relevant despite those changing situations?
- The financial stability of the organization and the extent to which Donors' Consortium is willing to commit for a long-term funding to ICHR? How can the PNA contribution be increased? Should ICHR consider widening its funding sources and in what context?
- What are the risk mitigation measures undertaken by ICHR? How can a more developed risk management plan and risk mitigation strategy be developed to ensure transparency, enough checks and balances within the institution, and prevention of corruption within the organization?

### **Final Performance Rating**

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

## **4. Methodology**

The evaluation will be conducted between 25 June –31 July 2019, and consists of three stages:

### **4.1 Literature Review (3 workdays)**

The Evaluation Team will review the following documents: background material, narrative and financial reports, 2017-2019 strategic plan, annual action plans, log frames, results framework and budgets, recent independent evaluations and audits (DIHR advising on Complaints handling system, Gender Audit, Child Audit, Human Resources Audit... etc.) and/or interventions, publications, and other materials produced by ICHR, GHANRI's sub-accreditation recommendations (2015), External Evaluation Report (2016, relevant internal audits, and ICHR's Annual Reports. In addition, the draft framework for the establishment of the NPM

### **4.2 Field Visits: (12 workdays)**

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, Commissioner General, Commissioners and donors, as well as 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, the Gaza Regional Offices (alternatively through video conference with Gaza). The team will also inspect additional documents not seen in the initial document review.

### **4.3 Reporting: (5 workdays)**

The review report shall be written in English and should not exceed 30 pages, excluding annexes. The report should be of analytical character; present an assessment of the results of the cooperation and lessons learnt; and include conclusions and recommendations. The following enclosures shall be attached to the report:

- Terms of reference
- List of persons interviewed
- List of documents assessed

## **5. Evaluation team, requirements and qualifications**

The assignment will be carried out by a team of 2-3 consultants of which at least one of them is an international consultant as the Team Leader with long and outstanding experience in human rights and knowledge of the work of NHRIs. The team leader must have experience in evaluation of national Human Rights Institutes. During the assignment it is expected that the consultants do not have other parallel engagements.

The team requirements must include:

- Good knowledge and experience in National Human Rights Institutes.
- Good knowledge and experience of support to (semi-)public organizations.

- Good knowledge in capacity development.
- Good knowledge and experience with aid harmonized projects or programs.
- Good knowledge of the political and social situation in oPt, including human rights.
- Fluency in English (oral and written) and good knowledge of Arabic.

## **6. Reporting and time Schedule**

The Evaluation Team will present its inception report during the first week of their field visit, then an initial final report, in summary form, to ICHR management, senior staff, Commissioners and the Donors' Consortium at the end of its field visit.

The draft written 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.

A draft copy of the report should be submitted by the evaluation team by Wednesday 31<sup>st</sup> of July, 2019 for the final review and comments of ICHR and the donors' consortium in Ramallah.

The final report shall be submitted to ICHR in an electronic copy not later than one week after receiving the comments from ICHR and the donors.

## **7. Criteria for evaluating proposals**

The following criteria will be used when evaluating the proposals:

1. The combined experience and competence of the proposed team in relation to the terms of reference. (3 points)
2. The proposed methodology for the assignment in relation to the terms of reference. (3 points)
3. The firm's ability to perform the assignment at the appropriate time, based on the proposed methodology. (2 points)
4. The cost of the assignment. (2 points)

-Ends-