

# Public Tender

Inter-American Court of Human Rights

Public Tender 2/2022



**I/A Court H.R.**  
Protecting Rights

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## **STRENGTHENING THE JURISDICTIONAL AND COMMUNICATIONAL CAPACITIES OF THE IACtHR**

### **CONSULTANCY**

#### **MID-TERM EVALUATION OF INTER-AMERICAN COURT OF HUMAN RIGHTS'S PROJECT:**

Strengthening the jurisdictional and communicational capacities of the Inter-American Court of Human Rights (2020-2024)

Send the application documents: [convocatoria03@corteidh.or.cr](mailto:convocatoria03@corteidh.or.cr)

### **TERMS OF REFERENCE**

#### **BACKGROUND**

The Inter-American Court of Human Rights (hereinafter "the Court" or "IACtHR") is the only international human rights court of the Americas. It is a treaty-based autonomous judicial institution, created within the framework of the Inter-American System for the Promotion and Protection of Human Rights. It was established by the American Convention on Human Rights, treaty adopted on November 22, 1969, becoming effective on July 18, 1978. The IACtHR began operating in June 1979, setting its seat in San José, Costa Rica. To date, twenty States Parties to the American Convention have recognized the contentious jurisdiction of the Court.

The IACtHR has competence to issue binding decisions for the States Parties to the American Convention that have accepted its contentious jurisdiction. It hands down judgments and monitors compliance with them; it also issues advisory opinions that interpret the scope of the rights and the corresponding state obligations, and it has the treaty-based authority to order provisional measures to protect individuals. This gives the Court the comparative advantage of complementing or reinforcing the protection of human rights offered by the domestic law of the States of the Americas. In this way, the IACtHR's efforts contribute to strengthening the standards for the protection of human rights in the Americas and to provide redress.

#### **THE PROJECT**

Since 2007, the IACtHR has successfully executed cooperation projects with the Norwegian Ministry of Foreign Affairs. Currently, the IACtHR is executing the project with the Norwegian Ministry of Foreign Affairs entitled "Strengthening the jurisdictional and communicational capacities of the IACtHR", that started in July 2020 and lasts until June 2024. In accordance to article 12 clause 1 of the Grant Agreement, a mid-term review focusing on the progress achieved shall be carried out by December 2022.

The general objective of the project "Strengthening the jurisdictional and communication capacities of the IACtHR" is to contribute to improve several of the region's major human rights problems. This purpose is achieved, among other actions, by deciding cases and implementing the reparations ordered in the Court's judgments, and by disseminating its work and case law. The project aims to achieve the following four main outcomes:

Improvement of State compliance with the judgements of the IACtHR.  
Enhancement of stakeholders' interaction with the IACtHR.  
Increase access to litigation in benefit of presumed victims demonstrating financial needs.  
Improvement of the IACtHR's capacities to efficiently process cases.

## **PURPOSE AND USE**

The mid-term evaluation is due to an agreement requirement set out to document the progress in results and report them back to the Norwegian cooperation. Also, for the IACtHR is intended to be a useful source of feedback from the external evaluator and the Norwegian cooperation.

## **GENERAL OBJECTIVE AND SCOPE OF THE EVALUATION**

The general objective of the evaluation is to assess the performance of the IACtHR in improving its jurisdictional and communicational capacities included in the project. The evaluation will be external, independent and will focus on the analysis of the results framework at the level of outputs, direct impacts and outcomes.

The expected scope of the evaluation is the assessment of the four areas of the project, considering the general objective of the project and the allocated budget. To achieve the objective, the consultant must:

- Conduct an assessment measuring the mid-term results of project implementation.
- Evaluate the mid-term implementation and management of the project. Additionally, this shall include the review of overall project indicators originally identified to measure the achievement of expected results and the recognition of unforeseen impacts to which the operations have contributed.
- Determine the relevance (referring to the adequacy of the design, objectives and results) to the context in which its implementation has been carried out; efficiency (analysis of project management in the analysis period including the assessment of the relationship between the results achieved and the resources of all kinds used for it); effectiveness (compliance with the objectives and results initially formulated, and others not foreseen) of the actions financed, and institutional and financial sustainability of the benefits generated by the project.
- Document the lessons learned and best practices of the project related to its implementation and management.
- Make recommendations to improve the implementation of the project and future proposals and design of similar initiatives.

## **EVALUATION CRITERIA**

The following six criteria developed by the OECD shall guide the mid-term evaluation: relevance, effectiveness, efficiency, impact, sustainability and coherence.

Relevance. The adequacy of the design and management of the projects to the context in which their implementation has been carried out will be analyzed. In the evaluation, it is essential to verify whether there were substantial changes in the context between the time when the intervention began to be implemented and the time when the evaluation is carried out. The following should also be analyzed:

- i) how the objectives of the project are aligned within the mandates of the IACtHR and the Norwegian cooperation.
- ii) The current situation of human rights in the continent and the inter-American regional agenda on human rights.

- iii) Consistency with the needs and requirements of the beneficiaries.
- iv) How clearly and to what extent under-represented and marginalized groups are incorporated in the implementation of the project and if an intersectional approach is applied.
- v) IACtHR responses to any change in context.

**Effectiveness. It should be determined:**

- i) the fulfillment of the objectives initially formulated, if there have been other latent objectives that have had an impact on the implementation.
- ii) The achievement of the expected results at the different levels of the results chain.
- iii) The contribution to the achievement of other unforeseen results.
- iv) The factors that contributed to the achievement of the results, at the level of outputs and direct effects, including both planned and unforeseen actions.
- v) Which of the strategies implemented were most successful in achieving the results.
- vi) vi) Who have been the groups that have benefited the most from the implementation of the program and to what extent any change can be observed in the actors benefiting from it.
- vii) To what extent the achieved results contributed to tackling inequality, in particular regarding gendered power dynamics.

In the event that the expected results have not been achieved in full, the evaluator must explain the causes, indicating whether they respond to the formulation, execution or unforeseen external factors.

Efficiency. The relationship between the results achieved and the human, financial and physical resources used for this purpose will be assessed. The efficiency assessment shall:

- i) quantify the resources and their relationship with the achieved results.
- ii) Analyze the evolution of management during the period evaluated and if any resources were redirected regarding any change in the targeted needs or the context.
- iii) Analyze whether the allocation of time, budget, activities and program managers was adequate to contribute to the scope of the defined results.
- iv) Determine whether the monitoring system that has been implemented was adequate to contribute to the scope of the results.
- v) Analyze the institutional capacities to implement the plan and the capacity to react to unforeseen demands.
- vi) Analyze if resource allocation was based on needs of marginalized groups and consider the extent to which it has challenged existing unequal structures.
- vii) Analyze the extent to which IACtHR's dialogue with stakeholders contributes to the achievement of the results.

**Impact:** the significant change caused or that might be potentially caused by the intervention. The impact assessment shall cover:

- i) The broader effects led by the intervention, such as changes in norms or systems.
- ii) Whether the project implementation has unintended positive or negative impact and focus on the effects on beneficiaries, with particular emphasis on disadvantaged groups.

**Sustainability:** the probability that the results obtained will continue even without the support of Norway will be analyzed, in particular:

- i) the achievements made in relation to the identified beneficiaries.
- ii) The extent to which the progress made (outcomes and outputs) of the program is institutionally and financially sustainable once it ends.
- iii) What interventions have the greatest potential for sustainability.

**Coherence:** it should be analyzed the fit of the intervention regarding both internal and external perspectives, in particular the following aspects:

- i) The compatibility of the intervention with other interventions within the IACtHR's capacity will be analyzed, how harmonized these activities are, if duplication of effort and activities occur, and if the interventions complement each other.
- ii) Intervention's alignment with actions implemented by other relevant actors such as the OAS and the Norwegian cooperation.
- iii) To what extent other interventions or policies (internal or external) support or contravene the program and vice versa. It should include internal and external coherence.

## **APPROACH AND METHODOLOGY**

The consultants shall design a technical, methodological and economic proposal to implement the evaluation.

The methodology used should be participatory and critical, and ensure that all relevant actors are included.

The evaluation's methodology should use quantitative and qualitative analysis.

The evaluation report should be submitted to the Norwegian Embassy in Mexico City for review and comments which the consultants shall consider and address before production of a final report incorporating responses to the comments. Additionally, the consultants will submit relevant materials used in the evaluation to the Norwegian Embassy as source documents. The final report shall be submitted in English and/or Spanish and in an electronic form compatible with a non-editable PDF format.

The final version of the midterm evaluation should comply with the following:

- Describe and evaluate the key achievements of the grant at this stage according to the stated objectives and explain any challenges or obstacles encountered in meeting the grant goals; propose adjustments to program operations and priorities that would strengthen the capacities of the Court.
- Produce a comprehensive, clear and concise report demonstrating understanding of the Terms of Reference (ToRs) and the subsequent assignments planned after the award of the contract that sets out the methodology, strategy, proposed data collection instruments and time line of activities.
- Take into account the criteria of relevance, coherence, effectiveness, efficiency, impact and sustainability.
- Use adequate mechanisms and steps to analyze the internal and external factors (context) of the project, including factors that might affect the achievement of the project's objectives.
- Provide a representative overview of the main actors to be interviewed (including organizations) ensuring geographic and thematic representation.
- Identify best practices and lessons learned from the operational implementation.
- Propose concrete recommendations.

Among other sources of information, the consultant should consider the following:

- i) Project documentation.
- ii) Progress reports approved in the Execution of the Project.
- iii) Results Framework.
- iv) Performance indicators.
- v) Budget.
- vi) Products derived from the implementation of the program and means of verification.
- vii) Formal meetings.
- viii) Any other document that is considered relevant for the performance of the work.

In addition, the evaluator shall meet, by teleconference, with qualified representatives of the relevant actors of the project:

- IACtHR.
- Norwegian Embassy in Mexico City.
- Any stakeholder that is considered relevant in the design and / or execution of the project.

All findings and conclusions must be backed by reference to evidence (source).

## **Schedule**

The evaluation should not last more than 24 (twenty-four) work days within a period of 4 (four) weeks, starting on 1 November 2022 and ending on 2 December 2022.

The mid-term report should be submitted by 22 November 2022. The evaluation will be concluded, and the final report delivered to the donor and the IACtHR in 2 December 2022.

## **EVALUATION MANAGEMENT**

**This evaluation will be managed by the IACtHR which will be responsible for:**

- Ensuring permanent communication between the IACtHR, the donor and the evaluator.
- Supporting the evaluator in recollection of information and conducting interviews.
- Considering the final evaluation report and ensuring implementation of the recommendations.

## **PRODUCTS**

- Inception report (with detailed work plan and data collection instruments). The work plan should be presented three to five days after the signing of the agreement and should, include the objectives and approach of the evaluation, the main sources of information, the methodology (techniques and instruments that will be used to collect the information), main activities and a work plan. The Norwegian Embassy could suggest changes to the work plan.
- A preliminary Mid-Term Evaluation Report as per the following proposed structure:
  - Cover page with key project and evaluation data
  - Executive Summary
  - Acronyms
  - Description of the project
  - Purpose, scope and beneficiaries of the evaluation
  - Methodology
  - Clearly identified findings for each criterion
  - Conclusions
  - Recommendations
  - Lessons learned and best practices
  - Annexes

While the substantive content of the findings, conclusions, and recommendations of the report shall be determined by the Evaluation Team, the report is subject to final approval by the Norwegian Embassy in Mexico City and the IACtHR in terms of whether or not the report meets the conditions of the TOR. All reports, including drafts, will be written in English and/or Spanish.

The preliminary report will be reviewed by the Norwegian Embassy and the Court, which may provide their observations to the consultant within 6 (six) days until 28 November 2022. The comments and suggestions should be considered and addressed in the final report.

- A final report

A final report in English and/or Spanish that includes the observations and inputs received during the evaluation process. The final report should follow the above mentioned structure.

### **Payment schedule**

The amount budgeted for the tender award is US\$ 24.000.

The payment for the consultancy will be done in three installments:

1. Signing of contract and start of evaluation (15 %).
2. Presentation of first draft (50 %).
3. Presentation of final evaluation (35 %).

Once the proposal has been selected, the Administration and Finances Unit of the IACtHR shall contact the consultant(s) to coordinate the requirements relating to due payments.

### **SELECTION PROCESS**

The contract award process will be competitive, taking into account the quality of the proposal. The IACtHR will rate and select the best candidate by 28 October 2022.

The IACtHR reserves the right to publish and disseminate the evaluation documents and reports.

The contract process will follow that framed in the various regulations and policies of the IACtHR, thereby ensuring the application of the principles of competitiveness and transparency with the ultimate aim of awarding the contract to the individual with the most merit.

As an international organization that promotes human rights, the IACtHR is fully committed to equal employment opportunity, based on the merits of the individual. The IACtHR does not discriminate against any individual on the basis of race, color, marital status, religion, age, gender, disability, sexual orientation, gender identity, or status as a parent. The IACtHR embraces equality, diversity and inclusion. Thus, the IACtHR, in accordance with its rules and regulations, is committed to providing equal opportunities in employment, and will take into account a wide geographic representation, as well as gender equity and equality, in the selection of the candidates.

The Evaluation team or consultant evaluator must commit to submit a statement on conflict of interest and confidentiality.

### **Key qualifications and experience**

The Evaluation team or consultant(s) evaluator should have the following qualifications:

- Highly qualified evaluation specialization with extensive experience from evaluations of projects.
- Proven experience in design and evaluation of projects, and have conducted evaluations in the area of human rights.
- Demonstrated knowledge of human rights' major problems in Latin America and the Caribbean and the situation of marginalized and vulnerable groups in the region.
- Knowledge of the Inter-American Human Rights' system and the mandate of the Inter-American Court of Human Rights.
- Excellent communication and interview skills both in Spanish and English.
- Excellent report writing skill both in Spanish and English.
- Demonstrated ability to deliver quality results within strict deadlines.

## **Evaluation manager**

The consultant will report to the evaluation manager: Mr. Pablo Saavedra Alessandri, Secretary of the IACTHR. The consultant should discuss any technical and methodological matters with the evaluation manager should issues arise. The evaluation will be carried out with full logistical support of the IACTHR project staff.

## **Applications**

Interested applicants should submit the following documents:

- A draft proposal to carry out the objective of the mid-term evaluation according to the terms of reference.
- Description of the resources that will be used.
- CVs.
- Presentation of a complete budget in U.S. dollars, including consultant fees, travel costs, materials and any other costs.

The call for proposals will be open from 23 September to 21 October, 2022. Please submit your application via email with the subject "Consultancy – Term