



TERMS OF REFERENCE (TOR) FOR THE EXTERNAL EVALUATION OF THE PROJECT “PROMOTING THE ACCESSION OF REMAINING INTERNATIONAL HUMAN RIGHTS TREATIES IN MALAYSIA”

1. BACKGROUND AND CONTEXT

This document provides the Terms of Reference (TOR) for External Evaluation of the European Union-funded Project, “Promoting the Accession of Remaining International Human Rights Treaties in Malaysia” that is nearing its completion. This document includes the background information about the Project, describes the purpose of the evaluation, its objectives, scope, methodology, deliverables, timeframe, budget, required competencies of an evaluator and requirements for submission of application.

It was initially envisaged that this project will be completed in 24 months. However, due to the COVID-19 pandemic, it had been extended to 34 months and 8 days, thus the project which started on 22 November 2018 will now end on 30 September 2021. The evaluation of the project will take place whilst the project is technically still on-going, however most, if not all, activities would have been carried out by the time of evaluation.

The project was developed in response to the call by local and international civil society groups for the Malaysian government to accede and comply with international human rights treaties. As of 2018, Malaysia has yet to accede to 6 international treaties namely the International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ICERD), International Covenant on Civil and Political Rights 1966 (ICCPR), International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (UNCAT), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 (ICMW); International Convention for the Protection of All Persons from Enforced Disappearance 2006 (ICPPED). In addition, Malaysia has yet to fully incorporate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into its national laws and policies.

The **overall objective** of this Project is to promote and advocate for the accession of remaining international human rights treaties, and ultimately incorporation of human rights related treaties/declaration into national laws and policies in Malaysia. The **specific objectives** of the Project are 2- fold; To highlight, analyse and harmonise the relationship between Malaysian National Law (Civil and Syariah Laws) and key human rights treaties; and to strengthen the advocacy and outreach on key human rights conventions (such as UNCAT, ICPPED), and declaration (UNDRIP) targeting key decision makers and influencers.

The Project intended to achieve 3 main result areas and the following outputs:

Result 1: Research paper on the compatibility between Malaysian National Law (Civil and Syariah laws) and international human rights standards specifically the remaining International Human Rights Treaties which are UNCAT, ICERD, ICCPR, ICESCR, ICERD, and ICMW.

Output 1a: Research paper/s on study and analysis on the compatibility of Malaysian Law (Civil and Syariah) with 6 international treaties and implications.

Output 1b: A (legal) roadmap for accession/ratification of the remaining 6 human rights treaties.

Result 2: Greater awareness on key Conventions, such as UNCAT and ICPED, as well as recommendation derived from the Public Inquiry on Disappearance.

Output 2a: Increased awareness and understanding on UNCAT and ICPED amongst policy makers, enforcement agencies and authorities, and members of the public.

Output 2b: Increased awareness and acceptance of UNCAT amongst Islamic religious leaders and communities.

Result 3: Greater implementation and harmonization of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into national laws and policies.

Output 3a: Research paper on compatibility of federal and state laws related to the rights of Indigenous People, with a view to incorporate the spirit of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples into national laws and policies.

Output 3b: Advocacy and education to strengthen the understanding of UNDRIP amongst key stakeholders including policy/decision makers and CSOs in Malaysia towards reform of policies and laws to be in greater compliance with UNDRIP standards.

Among the activities planned for the project are; recruitment of external research consultants to conduct the research and analysis and drafting of legal roadmaps for 6 unratified International Human Rights Treaties (ICERD, UNCAT, ICCPR, ICESCR, ICMW) and 1 Declaration (UNDRIP); organize and carry out capacity-building workshops for relevant agencies on UNCAT and ICPED; organize and conduct dialogues/events for advocacy purposes; and create campaign materials for education. For further information, please refer to the Logframe/Theory of Change in Annex 1.

The project team comprise one (1) Project Manager responsible for project implementation and operations, assisted by one (1) Project Officer tasked to support the Project Manager in all programme-related functions. SUHAKAM Commissioners had set the overall strategic direction of the project implementation, as well as performed important tasks such as engaging with external stakeholders and delivering speeches on human rights principles. The Secretary was responsible for overseeing and supervising the project team's overall operations, including recruitment of project manager and officers. 3 Deputy Secretaries with significant programmatic experience within SUHAKAM, played an advisory role to the project team, including ensuring overall compliance with the EU's programmatic requirements. The Head of Divisions and officers from Divisions provided guidance and additional technical support when needed. The Corporate Service Head of Division and accountant (for all matters related to finance) worked in close collaboration with the Project Manager to ensure the EU

financial rules were complied with and provided any administrative support in the conduct of its daily activities.

All relevant documentation will be provided to the consultant conducting the evaluation.

2. EVALUATION PURPOSE

This is an end-of-project evaluation, which shall focus on assessing the implementation of the project activities (in accordance to the agreement between the European Union and SUHAKAM) and whether the activities had led to the achievement of the intended results and project objectives. As a result of this evaluation, relevant recommendations by the evaluator are expected in order to improve the quality of SUHAKAM's future projects. The report will also be submitted to the European Union for their information and record.

3. FOCUS OF THE EVALUATION EXERCISE

The final report should be introduced by an initial discussion of the socio-political and human rights context of the project and the development of this context during the project period.

It should then discuss, provide conclusions and recommendations on the following questions:

- Effectiveness: To which degree did the activities meet the objectives and results set out in the project (as outlined in the logical framework)?
- Matching needs: Did the project/activities meet relevant needs of the beneficiaries?
- Relevance: Was the project designed in a way that is relevant to reach its goals?
- Efficiency: Was the project run in an efficient way?
- Sustainability: Are the results achieved so far sustainable?
- Internal coherence: Were the result indicators and their means of verification adequate? What possible adjustments would the consultants recommend?
- Gender mainstreaming: To which extent did the project succeed in including a gender perspective?
- Impact and spill-over: Where there any unforeseen positive/negative effects of the activities?
- Synergies: to which extent were synergies achieved with other activities, as well as with local/international policies and donor policies?
- Which unmet needs did the evaluators identify that would be relevant for SUHAKAM to look into in an eventual continuation of the project?
- Identify lessons learned and provide recommendations.

In addition, the evaluator/s will have access to the following information:

- Grant Contract
- Interim Reports.
- Financial reports.
- Visibility material.

- Other relevant documents produced during the implementation of the project.

4. EVALUATION CRITERIA

The criteria and questions serve as a general reference and may be expanded as deemed necessary by the evaluator.

Relevance:

The appropriateness of project objectives to the problems that it was supposed to address, taking into consideration the environment within which it operated. It should include an assessment of the quality of project preparation and design – i.e. the logic and completeness of the project planning process, and the internal logic and coherence of the project design.

Efficiency:

The fact that the project results have been achieved at reasonable cost, i.e. how well inputs/means have been converted into activities, in terms of quality, quantity and time, and the quality of the results achieved. This generally requires comparing alternative approaches to achieving the same results, to see whether the most efficient process has been adopted.

Effectiveness:

An assessment of the contribution made by results to achievement of the project purpose, and how assumptions have affected project achievements. This should include specific assessment of the benefits accruing to target groups, including women and men and identified vulnerable groups such as children, the elderly and disabled.

Impact:

The effect of the project on its wider environment, and its contribution to the wider policy or sector objectives (as summarized in the project's overall objective).

Sustainability:

An assessment of the likelihood of benefits produced by the project to continue to flow after external funding has ended, with particular reference to factors of ownership by beneficiaries, policy support, economic and financial factors, socio-cultural aspects, gender equality, appropriate technology, environmental aspects, and institutional and management capacity.

5. STAKEHOLDERS INVOLVEMENT

The evaluator is expected to engage with stakeholders and partners not only to collect information and insights, but also to make a (collective) sense of the activities implemented in order to understand the following:

- Their engagement in the activity, how it has been promoted and how it fits with their own work/aims.
- Their perspectives on the issues.
- The capacity, awareness, relationships and resources developed during their engagement with the project and what they have been able to do with that.

6. METHODOLOGY

The consultancy should be carried on the basis of a desk study. The desk study should cover the following documents:

- Project contractual documents and further amendments;
- Documents produced throughout the project;
- Evidence of impact collected by the project, including mid-term reports
- Other relevant documentation.

Furthermore, the evaluation should be conducted via virtual meetings or telephone interviews with:

- Beneficiaries as well as partner/s and participants;
- SUHAKAM Team involved in project implementation and overview;
- Other stakeholders

7. DELIVERABLES

The deliverables should include:

- An **inception report**, the detailed description of the methodology to answer the evaluation questions as well as the proposed source of information and data collection procedure. The inception report should also indicate the detailed schedule for the tasks to be undergone (work plan), the activities to be implemented and the deliverables. The role and responsibilities of evaluator should be stated as well.
- A **draft evaluation report**, to be discussed with SUHAKAM project team and Commissioners (if need be) in order to provide comments;
- A **final evaluation report** not exceeding 20 pages, including:
 - i. Executive Summary
 - ii. Introduction
 - a. Intervention description
 - b. Evaluation purpose
 - c. Evaluation methodology
 - d. Challenges encountered during evaluation
 - iii. Findings
 - a. Findings related to each evaluation question
 - b. Country-related assessments, including overall conclusions and country-specific recommendations
 - c. Additional findings
 - iv. Conclusions (answers to the Evaluation Questions)
 - v. Recommendations
 - vi. Lessons Learnt
 - vii. Annexes (list of people interviewed, key documents consulted, data collection instruments)

8. INDICATIVE TIMETABLE & KEY STEPS

The evaluator is given 4 weeks to complete all evaluation processes and to conclude the final report.

Week 1 (Day 1-5)	Desk review of core documents, meeting/briefing with SUHAKAM Team, drafting and validation of inception report [Meeting with Team: To brief on the methodology & preliminary discussions on intervention's organisational structure, management arrangements, finance administration, internal monitoring & progress so far on achievements and challenges]
Week 2 (Day 6-9)	Stakeholder interviews, 4 days (approximately 5 individuals/day). The SUHAKAM team shall assist in reaching out to relevant stakeholders and arranging the interviews.
Week 2 (Day 10)	Debriefing: For reviewer to share preliminary conclusions (draft evaluation report) via Powerpoint Presentation with the project team and to ensure all information obtained are accurate.
Week 3 & 4 (Day 10-18)	Final Report Drafting

9. BUDGET AND PAYMENT SCHEDULE

RM 9,300 for 18 workings days

- 30% within two (2) weeks upon signing the Letter of Acceptance.
- 20% within two (2) weeks after presentation of preliminary conclusions (draft evaluation report) via Powerpoint Presentation
- 50% within two (2) weeks upon the Commission's endorsement of the final report without further amendments

10. CONTRACTUAL PERIOD

The contract shall start on 1 August – 30 August 2021.

11. REQUIRED COMPETENCIES

The evaluator shall:

- Have a university degree or equivalent background in relevant disciplines, with specialized training in areas such as evaluation and project management.
- Have documented extensive experience on similar end-of-project evaluations of civil society projects in the field of human rights.
- Have sound knowledge of project and evaluation processes, including quantitative and qualitative data-collection methods and analysis for end-of-cycle project evaluations.
- Have process management skills such as facilitation skills.
- Have the ability to draft concise evaluation reports of high quality in English.
- Working languages (written and spoken proficiency): English and Bahasa Malaysia.

12. SUBMISSION OF APPLICATION

Applicants shall submit the following documents in English:

- a) A cover letter with a brief description of relevant previous experiences in evaluation of projects. [1 page maximum]
- b) A brief breakdown of costs based on the budget stipulated in para 9 (e.g. data collection, report preparation, profession fee per day) [1 page maximum]
- c) At least 2 comparable final report of comparable evaluation carried out.
- d) A Curriculum vitae (CV) detailing certifications, accreditations etc.
- e) A brief proposed workplan detailing evaluation timelines and methodology of evaluation process. [2 pages maximum]

13. CONTACT & SUBMISSION DETAILS

The applicant shall submit relevant documents in **softcopy** to Mr. Ahmad Firdaus firdaus@suhakam.org.my with Ms. Nicole Tan nicole@suhakam.org.my in copy(cc) **before Thursday, 8 July 2021**. For further information please contact nicole@suhakam.org.my.