*Terms of Reference*

**Evaluation of the ICRC detention program in Colombia**

### 1. Background Information and Rationale of the evaluation

Addressing the needs and concerns of people deprived of their liberty has been a key activity of the ICRC worldwide. The ICRC work in detention is rooted in visits to places of detention and is resolutely beneficiary-centric. It is also marked by its multidisciplinary approach the aim of which is to effectively analyse risks, reduce them, and address their consequences.

In 2017, following joint assessment by relevant ICRC departments, the ICRC Delegation in Colombia decided to switch from an individual-centred to a systemic focus, adopting a structural approach that addresses root causes of identified problems. The general objective of the 2017-2021 strategy is that ‘people deprived of freedom live in appropriate and humane material and psychological conditions, their health is adequately promoted, protected, resilient and cared’, and they are protected against physical and psychological abuses – consistent with national and/or international standards.

Four years after the adoption of the Detention Strategy 2017-2021, the Delegation wants to know its achievements and shortcomings in order to inform future planning. The rationale for the 2021 evaluation is therefore to review the systemic approach, both in terms of process and of outcome, and where possible, of impact. The evaluation will focus on where the detention program currently stands, the progress made since switching to a systemic approach in 2017, lessons learned and improvements that could be made.

### 2. Focus and scope of the evaluation

The evaluation should focus on the relevance, appropriateness, effectiveness, sustainability and efficiency of the ICRC systemic approach in detention including programs, projects and interventions. It should also be outcome-based, in the sense that it identifies the impact direct/indirect of ICRC actions on the beneficiaries, i.e. persons deprived of liberty. The results of the evaluation should contribute to:

- Make better informed decisions for the detention strategy for Colombia 2022-2025;
- Provide lessons-learned inputs on detention for the institution as a whole, particularly the strengthening of the detention evaluation framework
- Provide other Latin-American delegations with an analysis of applicable good practice
- Promote greater accountability for performance among all ICRC teams working in detention.

To this end, the Consultants will:

- Clarify whether the holistic analysis of the protection, including health concerns of persons deprived of liberty remains valid or whether it has to be re-adapted;
- Assess whether the programs and projects put in place are contributing to responding to the needs of the detainees and reducing the scope of the humanitarian and structural issues identified;
- Assess progress made towards the achievement of the detention strategy’s goals;
- Assess performance in terms of the relevance of results, sustainability, shared responsibility, appropriateness of programs, projects and actions designed, and the resources allocated, including financial and human resources;

Part of the ICRC strategy in detention, (i.e. integration of use of force standards and After-Action Review process), will be evaluated by a national external consultant. However, for a coherent evaluation of the overall detention strategy, the team leader should ensure timely and adequate coordination among the consultants. In addition, the

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1 Prisons and Health- WHO Europe 2014.
2 ICRC’s Detention Strategy Colombia 2017-2021, p.2
conclusions of the Use of force evaluation should figure in the overall report of the evaluation, while the details of will be added as an annex.

3. Key evaluation criteria and guiding questions

ICRC’s Detention program in Colombia should be evaluated within the backdrop of recognized legal and humanitarian standards, including ICRC’s own recommendations, the Nelson Mandela Rules as well as any relevant national laws and the Sphere Standards or Core Humanitarian Standards. In addition, other criteria have been identified as relevant for this evaluation process (see below). In order to clarify these criteria, some questions have been suggested. The list is not exhaustive.

3.1. Relevance of ICRC action
- To what extent do the DET programs respond to the existing needs of the intended target population (detainees and detaining and other concerned authorities)?
- To what extent have the DET programs involved beneficiaries in shaping their strategy and response to their needs?
- To what extent have DET programs identified and responded to the specific protection / health needs of population sub-groups in detention: e.g. women; LGBTI population; People with disabilities; older adults?
- To what extent have the DET programs use system thinking to understand the context and shape its actions?
- What mechanisms for the participation of direct and indirect beneficiaries have been defined?

3.2. Appropriateness
- Are the chosen approaches realistic? Are they well-defined? Are they adapted to the needs identified? If not, what are the gaps and how could they be filled?
- Has the Detention strategy been clear on how the general objectives should be achieved?
- Has the strategy evolved and adapted sufficiently when necessary to achieve the overall goal?
- Is there a need to redirect the focus of the strategy? If yes, what should be the focus of the strategy? And what are the main protection and assistance concerns that need to be tackled?

3.3. Effectiveness and results achieved
- Have the programs achieved their specific objectives? If yes, could they contribute to responding to the needs and reducing the scope of the problems? If not, what are the gaps and how could they be filled?
- To what extent are the programs on course to achieve their objectives?
- Highlight achievements and failures, examining the reasons for these. What were the processes involved that led to results?
- How is the institutional documentation process regarding lessons learned and monitoring processes?

3.4. Efficiency/HR setup of DET team

Given its multi-disciplinary nature, the implementation and efficiency of the detention strategy depends largely on the degree of collaboration between the different ICRC units as well as on the adequacy of the HR set-up. To evaluate this element, the consultants should look at the following questions:
- Is the set-up of the detention team (i.e. profiles, number, skills, etc.) adequate? Why?
- Is the balance between mobile and local staff adequate/helpful/efficient to reach the objectives?
- Did the team (Detention team internally and other pertinent departments) work together in an efficient manner in order to implement a multidisciplinary approach?

3.5. Sustainability
- What steps have been made to work towards sustainability, with which results/limitations?
- To what extent are the different stakeholders willing and able to manage and carry on the “services” provided by ICRC?
- Constraints/unmet needs that threaten the sustainability?
4. Approach and Methodology

The methodology to be adopted for this evaluation will be defined on the basis of the consultant’s proposal (see point 6) and the specific needs of this project. It will be formalized in an inception report that will provide the roadmap for this consultancy.

The ICRC’s Detention team will be available to facilitate access to all the necessary information as well as to organize interviews with interlocutors / visits to prisons (if possible).

5. Responsibilities and required skills

The consultants team is composed of the following experts:

- 1 evaluation team leader. Code: ICTL
- 1 detention doctor. Code: ICDD.
- 1 expert focused on the integration of the rules governing UoF. Code NCFAS³.
- 1 expert focused on the Physical Rehabilitation Program (PRP).

The present ToRs serve exclusively for the selection of the evaluation team leader (ICTL).

In the fulfillment of the planned activities, the evaluation team leader can get the support of an evaluation generalist of his/her choice. In this case, s/he should proceed with the recruitment process on her/his own and should ensure that the evaluation generalist is acting under her/his direct responsibility (not the responsibility of the ICRC).

The evaluation team leader is in charge of coordinating the activities carried out by the different experts (including the UoF and the Health experts) and ensuring the submission of the below-mentioned deliverables. He/she will:

- Assume full technical responsibility for the services provided for the development of this consultancy in accordance with the terms of reference in this document.
- Will guarantee a production of high-quality reports and services, taking care of delivery times, writing and presentation of reports with technical standards, until the final approval of the deliverables.
- Maintain fluid communication and coordination via electronic mail (e-mail), telephone or face-to-face conversation with the ICRC focal persons, i.e. Detention Coordinator and Prison System Advisor, so that they can report on progress, limitations, difficulties and recommendations.

The evaluation team leader should have the following qualifications and competences:

- Bachelor’s Degree in Social Sciences, Law and the like with a Master degree or comparable experiences;
- At least a five-year experience in a field related to penitentiary, judiciary or social activities;
- Proven record in leading evaluations in the protection and detention fields;
- Deep knowledge of multidisciplinary processes and systemic programming;
- Knowledge of, and experience in applying standard evaluation principles, qualitative and quantitative evaluation methods;
- Ability to draft concise evaluation reports of high quality in English;
- Good proficiency in Spanish;
- Proven expertise in issues related to the fields of detention, protection, prison management, access to justice;
- Self-employed status (must provide proof)
- Availability for working on site (Bogotà as well as in the field) between March and May 2021
- Knowledge of the ICRC would be an asset;
- Comfortable visiting a prison and working in a potentially volatile environment.

³ For the requirements for the FAS consultants, please refer to the Annexed ToRs on the Use of Force Evaluation.
6. **Deliverables**

The evaluation process should tentatively be completed no later than 15.06.2021. The consultants will produce the following evaluation work plan and the final report:

The evaluation will include the following activities:

- **Inception report**: the evaluator(s) shall prepare an inception report prior to the fully-fledged data collection exercise. The inception report shall present a structured evaluation plan, containing the methodology that will be used for answering to the evaluation questions (proposed methods, sources and data collection procedures). The inception report should be submitted to the Detention Coordinator (CoDet) for validation within 3 to 4 weeks since the start of the process;

- **Final evaluation report**: and conclusions to be submitted to CoDet.
  - The four consultants must produce one, consolidated report which is unified in its style and content and which must offer consolidated, transversal conclusions and recommendations with regards to the ICRC’s systemic approach in Detention in Colombia.
  - Additionally, the report should include separate analyses of specific elements of the detention programme, and in particular the Healthcare in Detention and the integration of the rules governing the use of force in detention facilities.
  - The report will be coordinated by the International Consultant Team Leader (ICTL) with participation of each of the other consultants.
  - The report should be as concise as possible (maximum 15-20 pages). Annexes to the main text are possible.
  - Possible structure of the evaluation report: executive summary; introduction/background of the evaluation; description of methodologies used; description of the DET program in Colombia and its set-up; analysis of the ICRC’s systemic approach in detention in Colombia; lessons learnt; conclusions; recommendations and next steps).
  - Other deliverables that would help ensure adequate and timely realization of the evaluation process.

All the deliverables should be written in English and will remain the intellectual property of the ICRC for an indefinite period.

7. **Potential risks**

- Due to the CoVID-19 pandemic, access to places of detention might be restricted
- Due to the CoVID-19 pandemic and depending on the regulations in the state of residence of the consultants as well as in Colombia, travel restrictions might be imposed and should be taken into consideration while planning for the evaluation.

The consultants are kindly asked to propose mitigation measures to deal with these two potential risks.

For internal and external displacements, including the travel to Colombia, the ICRC assumes the per diem and accommodation per night.

8. **Time-line**

- The deadline for the finalization of the evaluation process and submission of the final report of the consultancy is tentatively 15.06.2021.
- The term of the contract begins the day after the subscription (signature) and culminates with the approval and receipt to the satisfaction of the ICRC's Detention Unit of the last deliverable, payment and closing of the contract in accordance with the terms and clauses agreed upon.
9. How to apply

Please send your CV, a list of assessment/evaluations projects you were involved in, a max 2-pages proposal highlighting how you would approach this specific project and financial proposal to bog_logtender_services@icrc.org – by 10 March 2021.

10. Ethical Considerations

The consultants, in their capacity as responsible for the design and execution of the evaluation when presenting their offer, must declare and guarantee that:

- They have all the authorizations and/or respects the copyright of the physical and virtual tools that apply in the exercise of the evaluation, unless they are products of their authorship.

- Commit to the ICRC code of conduct that will be an integral part of the contract. This include:
  
  o Non-discrimination (on the basis of gender, race, religion, sexual orientation, national origin, age, class, language, or any other characteristic) and impartiality (the evaluation should be based on the needs of the persons deprived of liberty and not on any other ground);
  
  o Do-no-harm;
  
  o Respect for the dignity of the affected persons;
  
  o Confidentiality: the detention file is sensitive and requires high level of confidentiality during and after the collection of the information. The communication during and after the evaluation process should abide by the ICRC rules in this regard;
  
  o Protection of the data collected.

11. Accountability

Accountability for affected persons (putting affected persons and their needs at the centre of the activity). This means that detainees should be actively engaged in the evaluation and that their needs and concerns should be taken into consideration. Persons deprived of liberty should be able to express themselves and take part in decisions about issues that affect them. Their ideas and thoughts should meaningfully enter into the evaluation process. Rather than just as ‘data providers’, they should be contributing to decision-making and the project design.