



**Cour
Pénale
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**International
Criminal
Court**

Mécanisme de contrôle indépendant

Independent Oversight Mechanism



The Evaluation Policy of the International Criminal Court

The Evaluation Policy of the International Criminal Court

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Acronyms

| | |
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| ASP | Assembly of States Parties |
| DAC | Development Assistance Committee |
| EA | External Audit |
| ICC | The International Criminal Court |
| IOM | The Independent Oversight Mechanism |
| OECD | Organisation for Economic Co-operation and Development |
| OIA | Office of Internal Audit |
| OPCD | Office of Public Counsel for the Defence |
| OPCV | Office of Public Counsel for Victims |
| OTP | Office of the Prosecutor |
| SASP | Secretariat of the Assembly of States Parties |
| TFV | Trust Fund for Victims |
| UNEG | United Nations Evaluation Group |

The Evaluation Policy of the International Criminal Court

Foreword



I am pleased to present, and, on behalf of the Assembly of States Parties (the ASP), welcome the Evaluation Policy of the International Criminal Court.

The establishment of the Evaluation Policy represents an important moment and milestone for the Independent Oversight Mechanism (the IOM) and its evaluation function and more importantly, for the International Criminal Court and its governing body, the ASP.

The United Nations Evaluation Group, of which the IOM is a member, recommends that all organizations develop a clear evaluation policy. Such policy is essential because it provides the principles and norms for evaluation practice at the Court. It clarifies roles, responsibilities, rules of engagement and the institutional framework. It further offers safeguards for evaluation independence and accountability, guidance on financing evaluation, quality assurance mechanisms and provisions for periodically reviewing the evaluation function.

The Evaluation Policy builds on and advances the provisions for evaluation in the IOM operational mandate. The key differences are that the Policy strengthens the transparency of knowledge and results generated through evaluation, provides guidance on resourcing evaluation and enhances accountability through the follow up to evaluation recommendations. The Policy is timely since a certain level of maturity of the evaluation practice has been developed, evaluation knowledge accumulated, and key lessons learned in the conduct of evaluation by the IOM.

The Policy showcases the Court's commitment to accountability, continuous learning and the drive to effectively implement the Rome Statute, thus enhancing its contribution to ending impunity, achieving justice for victims, particularly those that are most vulnerable and furthering progress towards Sustainable Development Goal 16.

It recognizes that the ASP, which established the IOM, as well as its evaluation mandate and function is the ultimate custodian of evaluation at the Court. With this comes a significant responsibility and commitment to oversee the effective implementation of this Policy, to ensure that enablers outweigh potential challenges for the evaluation function, as well as to nurture a strong culture of learning and accountability at the Court.

Ownership and responsibility towards this Policy do not stop with the ASP. It is equally important for the Court as a whole to reap the benefits from the insights, feedback and recommendations of improvements resulting from independent, impartial, and credible evaluations.

Finally, I wish to thank all the stakeholders, internal and external to the Court, and especially the United Nations Evaluation Group members, who devoted their time, knowledge and expertise to fine-tune this Policy.

Päivi Kaukoranta
President of the Assembly of States Parties
The International Criminal Court

Den Haag, the Netherlands
January 2025

The Evaluation Policy of the International Criminal Court

Introduction



As the Head of the Independent Oversight Mechanism (IOM), I am proud and humbled to present the Evaluation Policy of the International Criminal Court and look forward to contributing to its implementation at the Court.

While the Assembly of States Parties is the custodian of the Policy, it is my Office, the IOM, that operationalises many of the aspects of this policy through the conduct of independent, centralised evaluations and in line with the provisions set by this Policy, as well as the IOM Operational Mandate.

However, the future success of this policy will not be possible without the rest of the Court and beyond: the management of Divisions, Sections and other offices choosing to commission their own evaluations for the purpose of continuous improvement, learning and accountability; Elected Officials, management, staff and external stakeholders constructively engaging in evaluation processes and proactively using the results and learnings from evaluations; and the governance demanding accountability through evaluations. External stakeholders of the Court should also benefit from the insights of IOM led evaluations and suggestions of improvements.

I report directly to the President of the ASP and the Court's Governing Bodies and not the Court's management, ensuring structural and behavioural independence of the centralised evaluation function. This is important ensuring independent evaluations and their credibility, and with our involvement with decentralised evaluation we can ensure that these have additional credibility and value to their stakeholders. I look forward to my Office encouraging, developing and supporting decentralized evaluations.

The adoption of the Policy is a big step to advancing the evaluation function. In my role, I commit to contributing towards creating an enabling environment for evaluation and an evaluation culture at the ICC.

Silvain Sana
Head of the Independent Oversight Mechanism (IOM)
The International Criminal Court

Den Haag, the Netherlands
January 2025

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1. Background

- 1.1. At the time of establishing The International Criminal Court (ICC or “the Court”), its governing body, the Assembly of States Parties (ASP or “the Assembly”), established the Independent Oversight Mechanism (IOM) under article 112, paragraph 4¹, of the Rome Statute² as a subsidiary body to provide comprehensive oversight of the Court through the conduct of evaluation, investigation and inspection.
- 1.2. The first operational mandate of the IOM was adopted in 2013,³ whereas the office became operational in 2015, with the evaluation function commencing its work in 2017. This is the first-ever evaluation policy of the ICC.
- 1.3. The Head of the IOM, who manages the evaluation function, reports directly to the President of the ASP, ensuring structural independence of the evaluation function by reporting directly to the Court’s Governing Bodies and not the Court’s management.

2. Rationale

- 2.1. Following the initial years of evaluation practice at the Court, the time is ripe to entrench this practice in a formal Evaluation Policy of the International Criminal Court (“the Policy”), which will assist in nurturing an evaluation culture and learning organisation that is motivated by continuous improvement, with the Assembly acting as custodian of this Policy, through the IOM.
- 2.2. While the IOM operational mandate contains some of the most critical and overarching policy elements for evaluation, many important and distinct elements must be included in a more detailed document, making the case to establish a stand-alone evaluation policy for the Court⁴.

3. Scope

- 3.1. This Policy builds on the provisions of the evaluation function defined in the revised IOM operational mandate. It is aligned with the IOM Key Evaluation Principles, the Theory of Change for the evaluation function,⁵ and the triennial IOM Evaluation Strategic Plan.
- 3.2. The Policy is applicable to centralised evaluations conducted by the IOM, as well as decentralised evaluations managed by other entities, including the Organs⁶ of the Court and its independent offices.

¹ “The Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.” ([Rome Statute of the International Criminal Court \(icc-cpi.int\)](#)).

² The Rome Statute, adopted in Rome, Italy, in 1998 and entered into force in 2002, is the treaty that established The International Criminal Court, a permanent court with jurisdiction over the most serious crimes of concern to the international community. It sets out the Court’s structure, functions, crimes, procedures, and relations with States and other actors ([Rome Statute of the International Criminal Court \(icc-cpi.int\)](#)).

³ The IOM operational mandate provides the legal provisions for the functions of the IOM, including evaluation. Resolution ICC-ASP/12/Res.6 was revised in 2020 ([ICC-ASP-12-Res6-ENG.pdf \(icc-cpi.int\)](#) and [ICC-ASP-19-Res6-ENG \(icc-cpi.int\)](#)).

⁴ A stand-alone evaluation policy is also a requirement for IOM’s membership to the United Nations Evaluation Group (UNEG).

⁵ Annex 1

⁶ The Organs include the Presidency of the Court, the Judicial Divisions, the Office of the Prosecutor and the Registry.

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3.3. In addition, the Policy applies to any external stakeholder of the Court, such as external consultants, intermediaries or implementing partners hired by the Court, to advise on or to conduct evaluation.

4. Purpose

4.1. The purpose of the Policy is to define the evaluation function and its institutional framework in the organisation, ensuring that evaluations are conducted in a transparent, impartial and accountable manner and that they are independent, credible and useful.

4.2. It is intended to ensure that all evaluations – whether conducted by the IOM or another entity – are impartial and have transparent processes, rigorous methodologies, inclusive stakeholder participation, ethical conduct and robust quality assurance mechanisms while at the same time they uphold the UN principles of human rights and gender equality, leaving no one behind, and doing no harm.

4.3. The Policy is additionally intended to strengthen and harmonize the centralised and decentralised evaluation practice at the Court. It is also intended to support national evaluation capacity development, as well as support the capacity of implementing partners entrusted with monitoring and evaluation responsibilities. It serves as a normative guide for independent external evaluation consultants when conducting evaluations on behalf of and for the Court.

4.4. By following this Policy, the Court shows its commitment to building trust with its governing body, while also contributing to the ultimate goal of ending impunity for the most serious international crimes as established in the Rome Statute, upholding human rights, gender equality and leaving no one behind. Doing so, the Court demonstrates its intention to contribute towards the achievement of Sustainable Development Goal 16.⁷

5. Process

6.1. The IOM has established this Policy on the basis of the United Nations Evaluation Group's (UNEG) Norms and Standards for Evaluation, and in particular, UNEG Norm 12, which provides institutional norms for evaluation ensuring that the evaluation function upholds the necessary framework at the Court. Norm 12 prescribes that the Policy is approved by the Governing Bodies to ensure a formally recognised status at the highest level of the organisation.⁸

6.2. As part of developing the Policy, the IOM has extensively consulted with key internal and external stakeholders, including the Organs of the Court, the Trust Fund for Victims (TFV), the Office of Internal Audit (OIA), members of the UNEG⁹ and civil society organisations.

⁷ Goal 16: Promote just, peaceful and inclusive societies

⁸ <https://www.unevaluation.org/document/detail/1914>

⁹ The following representatives of evaluation functions in the UN system were consulted and provided feedback: UNDP, UNESCO, ITC, IMO, UNITAR, PAHO and UNICEF.

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6. Intended Benefits

- 5.1. All stakeholders of the Court are intended to benefit from evaluations and this Policy: the Assembly, its Bureau, elected officials and other leaders of the Court, as well as its staff. Independent, credible and useful evaluations help bolster the Court's reputation and credibility in the eyes of external stakeholders too, by showing commitment to learning and accountability.
- 5.2. Given that this Policy endorses the development of capacity for evaluation at the country level, national evaluation stakeholders, including consultants, are also the intended beneficiaries of the Policy.

7. Evaluation principles

- 7.1. The evaluation function at the IOM adheres to internationally recognised principles that govern the conduct of evaluations at the Court. The foundation of the evaluation practice at the Court are the UNEG Norms and Standards for Evaluation, as well as the UNEG Ethical Guidelines in Evaluation and the Code of Conduct for Evaluation in the UN System.¹⁰
- 7.2. Overall, these principles and norms and standards provide a framework to ensure that evaluations are conducted ethically and professionally, respecting human rights, gender equality, ethics, and internationally agreed goals and targets. All stakeholders of the Court, the IOM, evaluation staff and consultants are required to adhere to these principles. Furthermore, decentralised evaluation teams at the Court are required to embrace these principles. In the conduct of evaluation, the IOM upholds the following three principles, notably:
 - a) **Independence:** *To be credible, evaluations must be independent. Independence allows evaluators to be impartial and free from undue pressure or influence throughout the evaluation process. Independence requires the central evaluation function to be positioned independently from management functions. Independence is also vested in the Head of the IOM, who directly approves the IOM Evaluation Plan before it is presented to the decision-makers, and who approves the dissemination of quality-assured evaluation reports in the public domain without undue influence by any party. Any decentralised evaluation considers the involvement of the IOM evaluation function as an impartiality mechanism or quality assurance role.*
 - b) **Credibility:** *The credibility of evaluations is grounded in independence, impartiality, and a rigorous methodology. Key elements include transparent evaluation processes, inclusive approaches involving relevant stakeholders, and robust quality assurance systems. Evaluation results, findings, and recommendations must be derived from or informed by the conscientious, explicit, and judicious use of the best available, objective, reliable, and valid data, along with accurate quantitative and qualitative analysis of evidence. Evaluations must be ethically conducted and managed by evaluators who exhibit professionalism and are culturally responsive.*
 - c) **Utility:** *Evaluations commissioned and conducted by the IOM or another Court entity must serve a clear purpose of informing decisions and actions. They are expected to provide relevant and timely*

¹⁰ <https://www.unevaluation.org/document/detail/2866> and <https://www.unevaluation.org/document/detail/100>

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contributions to organisational learning, inform decision-making processes, and ensure accountability for results. It also includes the commitment of management to use evaluations.

8. Definition of evaluation

- 8.1. The overarching aims of any independent, credible and useful evaluation are to contribute towards the Court's commitment to accountability, continuous learning and an effective implementation of the Rome Statute. By using and learning through evaluations, the Court becomes a stronger and more impactful institution.
- 8.2. Evaluation at the IOM is defined as a systematic and objective assessment of the relevance, effectiveness, efficiency, coherence, impact and/or sustainability (or other criteria) of a strategy, policy, programme, project, initiative, theme or any other entity of the Court.
- 8.3. Evaluation is strategic and focuses on outcomes and impact of the organization and less so on inputs, activities and outputs. It analyses the achievement of both expected and unexpected results and is likely to obtain most use if undertaken in participation with stakeholders.
- 8.4. The evaluations conducted by the IOM play a dual role: they inform key stakeholders about the results achieved for **accountability** purposes, and they provide **learning** and insight in relation to areas that work well and those needing improvement. By fostering a culture of continuous learning and evidence-based decision-making, evaluations contribute to optimising organisational performance and ensuring the achievement of overarching goals and objectives. They provide credible, useful and evidence-based information to the decision-makers and other relevant stakeholders.
- 8.5. The IOM uses the revised OECD/DAC¹¹ criteria for evaluation which include: relevance, effectiveness, efficiency, coherence, impact and sustainability. When deemed relevant, the IOM adapts and expands on these, for example using cross-cutting criteria such as human rights, gender equality, disability inclusion and environmental issues.
- 8.6. In addition to the IOM evaluation mandate, there are other oversight activities carried out at the Court. While there may be similarities, the purpose, scope, criteria, unit of analysis etc. of these assessments differ from evaluation. The IOM coordinates planning the evaluation programme with the OIA and the internal audit plan, to the extent possible. When relevant, evaluations are informed by the results of the previous oversight activities carried out in relation to the subject of evaluation.¹²
- 8.7. Since the establishment of its evaluation function, IOM has been conducting various types of evaluations that are key for the effective functioning of the Court and its organs. The Evaluation Policy supports conducting the following types of evaluations to achieve more utility and impact¹³:
 - a) **Evaluations of strategic plans of the Court** examine the performance related to the implementation of a strategic plan and the extent to which the goals have been fulfilled. They assess the relevance of goals and the alignment of organisational results with the goals. Planning and implementation aspects

¹¹ OECD/DAC criteria for evaluation: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

¹² With the exception of internal investigations

¹³ IOM evaluations respect judicial and prosecutorial independence, as well as confidentiality obligations, as provided for in the IOM Operational Mandate.

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are considered, the obstacles encountered, good practices and lessons learned. Evaluations of strategic plans should be conducted mid-way or in the final year of implementation of a strategic plan.

- b) **Policy evaluations** focus on assessing if policies of the Court are fit for purpose, implemented effectively and efficiently, make an impact, etc. With an increasing number of policies issued by the Court, and an increasing number of policy revisions, these types of evaluations have the potential to add value to the impact of the Court. These evaluations can cover management policies, as well as prosecutorial and judicial related policies.
- c) **Thematic and strategic evaluations** examine cross-cutting issues relevant for the entire Court, or most of its Organs. They are likely to address fundamental aspects of the Rome Statute, or the Court's Strategic Goals. The scope of these evaluations is likely to include substantial investments, strategic partnerships and significant implications including risks for the functioning or reputation of the Court.
- d) **Evaluations of the programmes and projects of the Trust Fund for Victims** contribute towards the oversight roles of the Chambers and the Board of Directors of the Trust Fund.¹⁴ They can occur prior to or as the programme and projects start, including to collect baseline data; mid-way in the implementation phase; and/or as the programmes are near finalisation. These evaluations may be conducted by the TFV or the IOM.¹⁵
- e) **Evaluations of organisational effectiveness** aim to focus on the performance of specific offices, Organs, Major Programmes or organisational units assessing human resource management and processes, as well as coordination with the rest of the Court and general achievement of results.
- f) **Evaluations of workplace culture** focus on identifying what brings joy and motivation at the workplace and what stands in the way, identifying the root cause of workplace disengagement and dissatisfaction. They may have a change management component in-built into the evaluation process.
- g) **Evaluations of processes and practice** examine the efficiency and effectiveness of specific processes and practice and may or may not include a policy component.

9. Roles and responsibilities

- 9.1. An effective evaluation function and thriving evaluation culture requires the engagement and commitment of all stakeholders throughout the evaluation process. Therefore, all Court staff have a role to play and a responsibility to safeguard the evaluation norms in this Policy.
- 9.2. The Court has a range of stakeholder roles and responsibilities in the evaluation process and all play a crucial role. Table 1 describes these key roles and responsibilities, from the perspective of centralised evaluations conducted by the IOM¹⁶:

¹⁴ The Reparation Orders, which are Court documents issued by the judges of the Chambers may contain provisions for reparation projects, including the need for monitoring and evaluation and allocation of funding for evaluation at the design phase of the project. These should be honoured by the commissioners of the evaluations.

¹⁵ IOM's role in the evaluation process must be clearly defined in the evaluation terms of reference and may include conducting the evaluation with backstopping (technical and managerial role), or supporting the evaluation through an advisory or quality assurance role.

¹⁶ Decentralised evaluations may have arrangements that differ from the roles and responsibilities prescribed in Table 1

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Table 1: Roles and responsibilities in evaluation

| Role | Examples who may fulfil this role at the Court | Responsibilities |
|--|--|---|
| The ASP via its Bureau | | <ul style="list-style-type: none"> - As the custodian of the Evaluation Policy, the ASP safeguards it, ensures its effective implementation and considers evaluation policy developments - Has the ultimate power to decide which evaluations the IOM will carry out by approving the IOM evaluation proposal - Request the IOM to conduct an evaluation in addition to the IOM evaluation proposal - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Evaluation Programme Committee | <ul style="list-style-type: none"> - External representatives who have an interest and expertise in evaluation, selected on the basis of terms of reference by Member States. The Committee facilitates the accountability link of the Court and the ASP and is chaired by the President of the ASP | <ul style="list-style-type: none"> - The Evaluation Programme Committee has the ultimate power to demand accountability through evaluation recommendations and their follow up - Request regular reporting on the implementation of the IOM evaluation recommendations - Oversee and mitigate risks and assumptions concerning the evaluation function and the implementation of the Evaluation Policy - Consider evaluation results that are of strategic value - Facilitate the dissemination of evaluation results to other governing body entities and feedback loops including the ASP working groups - Provide direction to the Head, IOM on evaluation programme planning - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Evaluation Advisory Group | <ul style="list-style-type: none"> - A standing group of independent external evaluation experts who advise the IOM on the evaluation programme and strategy | <ul style="list-style-type: none"> - Provide periodic input on the implementation of the evaluation policy, programme and strategy - Provide quality assurance to high-level evaluations - Contribute to creating an enabling environment for evaluation and an evaluative culture in the organisation |
| Evaluation reference group¹⁷ | <ul style="list-style-type: none"> - Subject matter experts - Evaluation experts | <ul style="list-style-type: none"> - An ad hoc group formed for individual evaluations, as needed, to advise on the evaluation process and provide quality assurance - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Evaluation Commissioner | <ul style="list-style-type: none"> - The President of ASP - The Vice-Presidents of the ASP - Any Bureau member - Any ASP representative - Board of Directors of the TFV - Heads of Organs/Principles - Heads of offices/Section - Heads/Managers | <ul style="list-style-type: none"> - Recognises the need for an evaluation and defines the rationale for it - Requests the IOM to conduct an evaluation (centralised evaluation) - Requests an evaluation to be carried out by own staff and resources (decentralised evaluation) - Requests an evaluation to be carried out with the support of external expertise (decentralised evaluation) - Provides input in the planning of the evaluation to reflect evaluation needs, key questions to be answered and scope - Oversees the management of and progress with the evaluation process - Disseminates and communicates on the evaluation results and recommendations - Uses the evaluation results, including the evaluation recommendations that are accepted e.g. to inform decision making, make adjustments in delivering results or performance, etc. |

¹⁷ While members are preferentially external to the Court, in some instances internal members can also be part of Evaluation reference groups.

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| | | <ul style="list-style-type: none"> - Contributes to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Head of evaluation function | - Head of the IOM | <ul style="list-style-type: none"> - Sets the centralised evaluation agenda for what to evaluate and what not on the basis of approving internally the IOM Evaluation Proposal before it is presented to the ASP through the Bureau - Approves the IOM evaluation proposal before presenting it to the ASP through the Bureau - Reports on evaluation results and recommendations to the President of the ASP, the Evaluation Programme Committee and the Bureau - Reports on decentralised evaluation activity to the President of the ASP, the Evaluation Programme Committee and the Bureau - Disseminates evaluation knowledge to internal and external audiences - Approves the IOM evaluation proposal before presenting it to the ASP through the Bureau - Quality assures evaluation reports before they are published - Safeguards that the evaluations are independent, useful and credible - Provides strategic direction for the evaluation programme and the development of the function - Ensures that the IOM programme budget allocates sufficient resources for evaluation - Uses the Evaluation Policy and Strategy to advance the evaluation function - Supports the IOM evaluator(s) in the evaluation process - Mitigates the risks related to the evaluation function - Ensures that the Evaluation Policy is implemented effectively - Contributes to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Independent evaluator | - IOM evaluator(s) + - External evaluation consultant(s) | <ul style="list-style-type: none"> - Plans, designs, manages, conducts and reports on evaluations - Prepares an internal evaluation plan for the IOM based on an analysis of risks, priorities, and other selection criteria - Facilitates and coordinates evaluation related processes ensuring a participatory approach - Drafts and follows up on evaluation recommendations - Disseminates evaluation knowledge to internal and external audiences - Raises awareness on the evaluation function, policy and strategy, and knowledge generated through evaluations - Contributes to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Evaluation participants | - Internal and external (e.g. ICC staff and non-governmental organisations) - Primary and secondary (ICC field offices and victims of Rome Statute crimes) | <ul style="list-style-type: none"> - Most vulnerable and hard to reach populations, including the victims of the Rome Statute crimes participate in evaluations with their dignity and human rights upheld, while respecting gender equality - Provide information, data and authentic and honest insights based on lived experience - Use evaluation results and recommendations - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Heads of Organs and Heads of ICC independent offices | - The Prosecutor - The Registrar - The President of the ICC - Head of the TFV - Head of the OPCV | <ul style="list-style-type: none"> - Participate in IOM planning consultations - Request the IOM to conduct evaluations - Participate in the evaluation process by providing strategic information and insight - Respond to and complete the management action plan that contains the evaluation recommendations, by stating whether they accept or reject each recommendation, providing a rationale for those that are rejected |

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| | - Head of the OPCD etc. | - Keep the IOM informed on the implementation of the accepted recommendations - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| Community of Practice | - A group of evaluation practitioners, internal and external to the Court | - Under the convenorship and facilitation of the IOM, the evaluation community of practice meets periodically and engages in capacity development, as well as in exchange of information and practice in order to ensure the application of this policy, and norms and standards for evaluation - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |
| General public | - NGOs - Academics - International organisations - The media and the press | - Utilize the evidence from evaluations to hold the ICC accountable, advocate for change, and contribute to public discourse on international justice and human rights - Contribute to creating an enabling environment for evaluation and an evaluative culture at the ICC |

10. Decentralised approach to evaluation in the ICC evaluation framework

- 10.1. Centralised evaluations are planned, conducted and managed by the IOM and commissioned by the ASP through the Bureau. Decentralised evaluations are commissioned, conducted and managed by the Organs and offices of the Court, with or without the IOM having a role in the evaluation.
- 10.2. The Trust Fund for Victims (TFV) has a dedicated monitoring and evaluation (M&E) function, which is decentralised in the ICC system and governed by its TFV Board of Directors.¹⁸ The TFV initiates evaluations and coordinates with the IOM that may provide quality assurance and technical support. Evaluations conducted by the TFV follow this evaluation policy guidance.
- 10.3. The TFV's M&E function is complementary to that of the IOM's centralised function. The Policy clarifies the rules of engagement of these two functions, their roles and responsibilities, and offers opportunities for leveraging scarce evaluation resources at the Court through a collaborative approach, while maintaining IOM's independence for centralised evaluation.
- 10.4. The different roles and responsibilities of the IOM and the TFV M&E function can be distinguished across six areas (Table 2):

Table 2. The roles and responsibilities of the IOM and the TFV M&E function

| | IOM | TFV |
|----------|--|--|
| Mandate | The IOM has a mandate of conducting evaluations of all of Court's strategies, policies, programmes etc. (including the TFV). | The M&E function has a mandate over the TFV reparation and assistance programmes. |
| Coverage | The IOM conducts Court-wide independent evaluations. | The TFV conducts monitoring activities, internal evaluations and commissions external evaluations exclusively on reparations and assistance. |

¹⁸ The Board of Directors report to the Assembly of States Parties.

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| Quality assurance | The IOM provides quality assurance of decentralised evaluations upon request. | The IOM quality assures all evaluations of the TFV. The M&E function of the TFV also conducts quality assurance of its implementing partners. |
| Technical support | The IOM provides technical support to M&E projects and functions. | The TFV may request technical support from the IOM. The TFV provides technical support to its implementing partners. |
| Dissemination | The evaluation reports are shared with the commissioner, submitted to the ASP via its Bureau and made available publicly. | The TFV reports are shared with relevant stakeholders. |
| Follow-up on recommendations | The IOM follows up on evaluation recommendations that concern the TFV (and other stakeholders of the Court). | The TFV implements evaluation recommendations allocated to the TFV. ¹⁹ |

10.5. In line with UN General Assembly resolution on building capacity for the evaluation of development activities at the country level, national evaluation capacities should be supported upon the request of Member States by the IOM.²⁰

11. Financing and budgeting for evaluations

11.1. A credible and independent evaluation function needs a secure and sufficient budget and skilled human resources. The IOM evaluation function is funded through the regular programme budget of the Court and supplemented with extra-budgetary resources.

11.2. Managers who commission decentralised evaluations need to consider a budget and financing for an external evaluation consultant(s) and/or subject matter expertise. While decentralised evaluations may be carried out by staff, a budgeted external consultancy to support the evaluation can enhance its credibility. The IOM provides technical backstopping and support to decentralised evaluations.

11.3. When planning evaluations, it is good practice that at least 0.8% of the implementation budget is allocated to evaluation.²¹ The IOM is in line with the UN Evaluation Group's advice on determining the range of funding for evaluation, which may vary according to several factors.²²

12. Evaluation programme planning

¹⁹ The TFV Board of Directors may have recommendations issued to them, for which they may be responsible to implement. In addition, given their oversight role of the Secretariat of the TFV, they can also demand a follow up to evaluation recommendations in addition to the IOM.

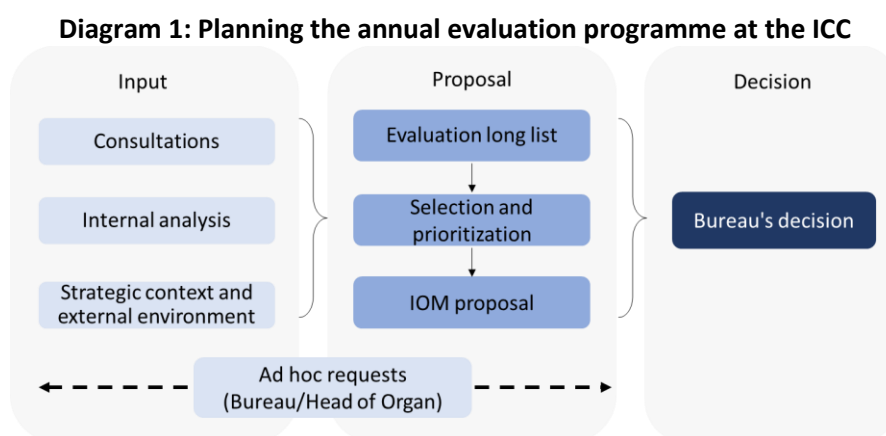
²⁰ A/RES/69/237

²¹ For example, ICC reparation and assistance programmes and projects may include a certain percentage from the reparation award and or donor funds respectively to evaluation, which would ultimately be an investment for accountability and learning purposes.

²² See paragraph 25, Standard 1.2: <https://www.unevaluation.org/document/detail/1914>.

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- 12.1. The IOM initiates evaluation programme planning by consulting with the Heads of Organs and independent offices on an annual basis, seeking their input on evaluation needs. The IOM also conducts an analysis of current organisational and strategic priorities, generating a list of potential evaluation themes.
- 12.2. Each evaluation theme is then subjected to an internal selection and prioritisation process and weighted according to specific criteria, such as strategic relevance to the Court, the presence of a knowledge or evidence gap, feasibility and timelines etc.
- 12.3. The outcome of the process conducted by the IOM is the IOM evaluation proposal that contains shortlisted evaluation themes, which is submitted to the Evaluation Programme Committee and the Bureau who in turn, may choose one or two to request the IOM to conduct in a given year, subject to evaluation resources available (Diagram 1).



- 12.4. In addition to the formal consultation process, a Head of an Organ, any other entity such as the Board of Directors of the Trust Fund for Victims, Chief of a Field Office, or any staff member may approach the IOM at any one time for consultations to suggest an evaluation. The annual plan of other oversight activities, such as internal or external audit are considered in drafting the IOM Evaluation Proposal to the Bureau with the view to avoid duplication and add value.

13. Quality assurance

- 13.1. Quality assurance is a crucial aspect of the evaluation process that takes place at every stage. Its primary purpose is to ensure that high standards are upheld throughout the entire process, from the initial evaluation terms of reference to the final evaluation report. Quality assurance also concerns the evaluation function.
- 13.2. The quality assurance mechanisms that the IOM uses for evaluations include: the systematic application of UNEG principles, norms and standards and related checklists; systematic knowledge management and record keeping; ad hoc evaluation reference groups established for individual evaluations; quality assessments and reviews of evaluation reports; and periodic feedback surveys administered to evaluation participants.

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13.3. The IOM evaluation function will undergo periodic external reviews, including UNEG peer reviews, to ensure that the evaluation framework is effective, the evaluation policy and strategy implemented and that the evaluation work is of high quality.

14. Reporting, dissemination and follow up

14.1. The President of the Assembly of States Parties and the Heads of Organs have the responsibility for the dissemination of the evaluation results and reports.

14.2. Evaluation reports should be made public for the sake of transparency and learning. In the case of the evaluations covering highly sensitive matters²³, there are measures that can be taken to mitigate any risks involved.²⁴

14.3. The Evaluation Policy applies the following provisions concerning aspects of reporting and dissemination of evaluation results, and follow up on evaluation recommendations:

- a) **The final evaluation report** is sent to the President of the ASP and the relevant Head of Organ, as well as to the evaluation participants internal and external to the ICC. The IOM provides full evaluation reports including the recommendations and the management responses on its internal and external websites.
- b) **Dissemination and communication:** in line with the principle of transparency and utility, the IOM is responsible for distilling evaluation results into further knowledge products that may be used for various purposes and audiences, for internal and external use.
- c) **Confidentiality.** As per the confidentiality clauses of the IOM operational mandate, due care is ensured that confidentiality is respected. The evaluation report, if there are no risks identified, are unclassified documents, to enable lesson learning and accountability.
- d) **Reporting on evaluation results and activities:** the IOM reports on each evaluation tabled as an item in Bureau and Evaluation Programme Committee meetings, including the IOM annually evaluation activities in the annual IOM report available on the ASP website. The Head, IOM with support from the IOM evaluator promote the discussion of results and recommendations at all levels in the organisation, including to the Court's Governing Bodies.
- e) **Follow up to evaluation recommendations:** each evaluation report requires a management action plan²⁵ completed by senior management (Heads of Organs and Heads of independent offices of the

²³ For example, whereby the security or safety of victims or witnesses is at stake. The Head, IOM makes the judgment on whether the report contains highly sensitive matters at the start of the evaluation rather than at the end.

²⁴ The Head, IOM determines what measures will be taken, informing the President of the ASP. Examples include: redacting the report, publishing a summary report and restricted dissemination of the report.

²⁵ Elements of a management action plan and response should include:

- management views of the evaluation recommendations, including whether and why management agrees or disagrees with each recommendation;
- specific actions to implement those recommendations that were agreed to by management;
- actions should be concrete, objectively verifiable, time-bound and clear on the responsibilities for implementation; and
- actions contained in management responses are adequate to substantially address agreed recommendations.

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ICC) or if applicable, the Governing Bodies. The IOM follows up on the implementation of the accepted evaluation recommendations one year after the completion of the evaluation. Periodically, the IOM will conduct a stocktaking exercise to follow up on the progress made, quality of implementation and outcomes related to the implementation of the evaluation recommendations.

15. Risks and risk mitigation

15.1. The successful implementation of the Evaluation Policy depends on certain key assumptions fulfilled and the presence of enablers. The Evaluation Programme Committee and the IOM Head are responsible to ensure that the risks are properly addressed and mitigated.

15.2. Some of the key assumptions that are continually monitored include: a balanced supply and demand for evaluations; sustainable and predictable funding for evaluations; organisational leadership and support; availability of skilled human resources; and accountability through the uptake of evaluation recommendations.

16. Policy review

16.1. This Evaluation Policy will be subject of a review initiated through the request of a Bureau or internally by the IOM and conducted every 6 years from its launch. The purpose of such a review will be to update and revise aspects of the Policy to enhance the impact of the evaluation function at the Court.

Annexes

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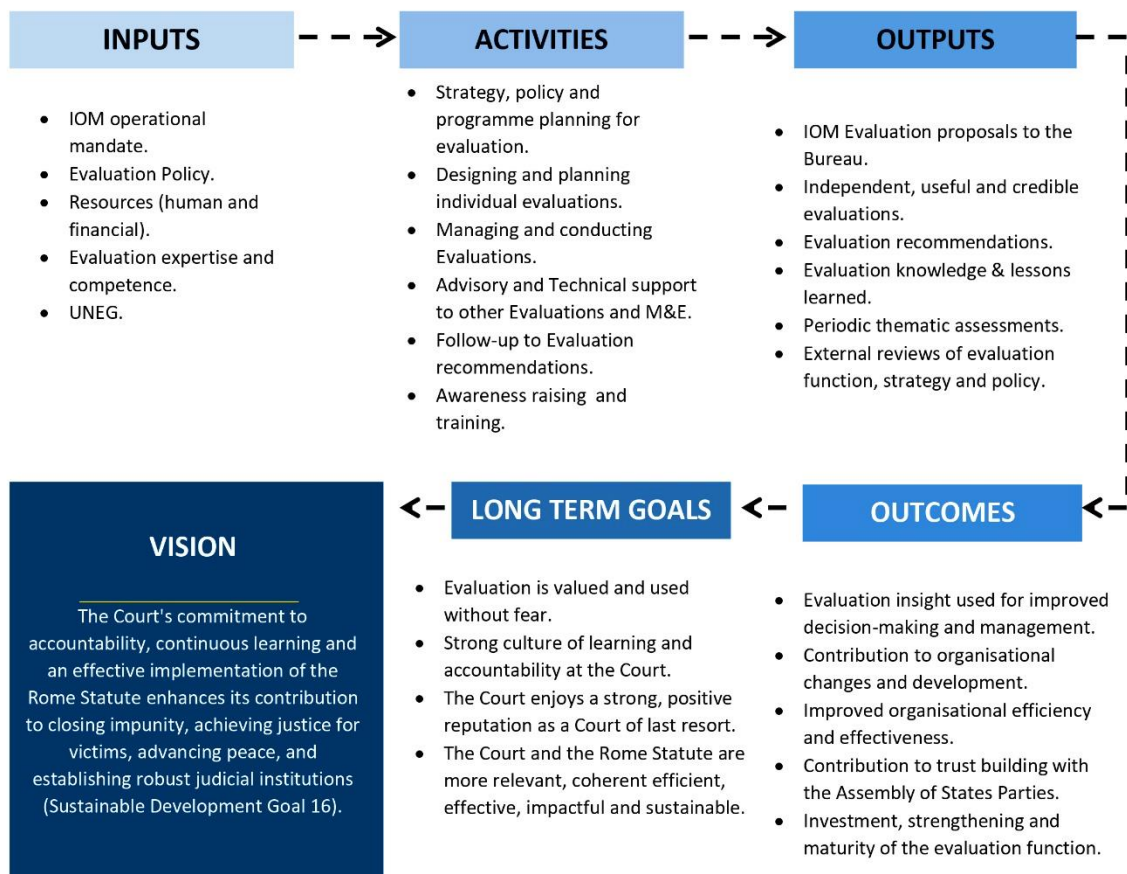
Annex 1. Theory of Change



Theory of Change for the Evaluation function at the International Criminal Court

ENABLERS

- Learning culture.
- The Court’s strategic framework.
- Court values: Integrity, Accountability, Inclusivity and Fairness.
- Effective Court governance.
- Organisational leadership.
- Engaged evaluation participants.
- Commitment to roles and responsibilities in Evaluation.
- Evaluation is prioritised.
- Predictable, adequate and extra-budgetary resources.
- Guidance and tools on Evaluation.
- Evaluation awareness raising and capacity development.
- Access to people and information.
- Access to strategic meetings and stakeholders.
- Quality assurance system and processes.
- Key Performance Indicators for Evaluation.
- Partnerships for Evaluations.
- Coordination with oversight activities.
- Active involvement with and value from UNEG.



ASSUMPTIONS AND RISKS

- Balanced supply and demand of evaluations.
- Organizational leadership and support.
- Sustainable and predictable funding for Evaluation.
- Availability of skilled human resources.
- Accountability through the uptake of Evaluation recommendations.
- State cooperation and complementarity strengthened.
- Dignity of victims and do no harm honoured.
- Gender equality and human rights upheld.
- Principle of No one left behind is respected.
- Member States commitment to international criminal law obligations.

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Annex 2. Glossary

- **Centralised evaluations:** These evaluations are undertaken by the IOM evaluation function or by external independent evaluators appointed by the IOM. The results of centralised evaluations are presented directly to the President of the Assembly of States Parties.
- **Criterion:** A standard against which judgments or decisions are made, evaluation criteria are measurable and quantifiable benchmarks used to assess the quality, results, or performance of activities, projects, and programs. Commonly employed criteria include relevance, efficiency, effectiveness, sustainability, and impact.
- **Decentralised evaluations:**²⁶ Decentralised evaluations are commissioned directly by management, with or without the involvement of the IOM and are conducted by the programme officers (i.e., the Monitoring and Evaluation Officer at the Trust Fund for Victims).
- **Evaluation data:** Any information that aids in addressing evaluation questions, evaluation data encompasses various sources such as oral interviews, expert opinions, documents, electronic records, audio, video records, and photographs.
- **Evaluation questions:** Aligned with evaluation criteria, evaluation questions aim to provide responses to the purpose and objectives of the evaluation. They can be descriptive, causal, predictive, probing, or performance-related.
- **Evaluation Reference Groups:** As part of a quality assurance mechanism, evaluations that address cross-cutting issues, are strategic and have an external component, should aim to establish an evaluation reference group composed of a group of independent advisor who have evaluation and/or subject matter expertise. The structure of this group should include a Chair who closely liaises with the organisational evaluation manager (the IOM evaluator). There should be terms of reference for the Group, as well as individual roles in the Group. The IOM evaluator oversees and coordinates the functioning of such a group. The Chair has the substantive lead of the ERG. They are selected, administered and managed by the IOM. Their contribution can be in kind or funded, if such funds are available.
- **Programme:** A set of related activities or projects designed to achieve specific objectives within a defined timeframe and budget.
- **Stakeholder:** Stakeholders are defined as individuals or groups of individuals who may have a vested interest in any aspect of the evaluation scope, directly or indirectly, and therefore, they also have a stake in the evaluation.²⁷
- **Theory of Change:** Illustrated diagrammatically, a theory of change outlines how and why a desired change is expected to occur in a specific context. Starting with long-term goals, it maps backwards to identify necessary preconditions or outcomes, explaining the causal linkages in an initiative. This approach is particularly suitable for longer-term activities, projects, and programs.

²⁶ UNEG (2020) Decentralized Evaluation Functions Across UN Agencies. <https://www.unevaluation.org/document/download/3697>

²⁷ UNEG. (2017) Principles for Stakeholder Engagement. <https://www.unevaluation.org/document/download/2790>