

Draft Terms of Reference

[Regional] Formative Evaluation of the UNHCR Regional Office in
Almaty, Kazakhstan, and the Operations in Tajikistan and
Kyrgyzstan

May 2015



Policy Development and Evaluation Service

MS and AP May 2015

Table of Contents

1. Background
2. Introduction to the Subject of the Evaluation
3. Country Context
4. Objectives of the Evaluation
5. Users and Stakeholders
6. Focus of the Evaluation
7. Scope of the Evaluation
8. Evaluation Questions, Approach and Methodology
9. Methodology
10. Oversight and Quality Assurance
11. Timeline and Deliverables
12. Annex - Dashboard

I. Background

The UNHCR Policy Development and Evaluation Service (PDES) has prepared the following draft Terms of Reference (ToR) for the [regional] formative evaluation of the UNHCR Regional Office in Almaty, Kazakhstan, and the Operations in Tajikistan and Kyrgyzstan (together 'UNHCR Operations in Central Asia'). The ToR articulates the overall purpose, focus and deliverables of the evaluation. The final ToR will be based on comments on this draft document from stakeholders and in discussion with the selected consultants. The evaluation is scheduled to take place between 1 September and 31 December 2015 with the field mission planned for October 2015.

II. Country Contexts

Central Asia is the core region of the Asian continent and stretches from the Caspian Sea in the west to China in the east and from Afghanistan in the south to Russia in the north. Central Asia comprises five republics of the former Soviet Union: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Central Asia has a population of 51 million which includes more than 100 different ethnic groups, the largest of which is the Uzbeks. Central Asian countries continue to strive for political and socio-economic stability, as well as to address security challenges affecting the region.

Kazakhstan:

Kazakhstan is the world's largest landlocked country by land area and the ninth-largest country in the world with an estimated population of 17 million. The majority of the population is Kazakh, while other significant minorities include Russians, Uzbeks and Ukrainians. Kazakhstan's economy is the largest in Central Asia largely due to the country's vast natural resources. The current president, Nursultan Nazarbayev, has been leader of the country since the dissolution of the Soviet Union.

Kazakhstan ratified the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol in 1998. In 2010, the National Law on Refugees entered into force and the Government of Kazakhstan assumed responsibility for refugee status determination (RSD). The Migration Police Department of the Ministry of Internal Affairs and its territorial offices are the main governmental bodies responsible for refugee protection.

In complementarity to the State RSD system, UNHCR conducts mandate RSD. Convention refugees have legal rights to access employment, although they may face challenges in legally accessing the labour market. Mandate refugees have extremely limited access to legal employment and resort to opportunities in the informal sector.

The majority of refugees in Kazakhstan are from Afghanistan, with smaller numbers of, amongst others, Uzbek and Syrian refugees. The vast majority of refugees and asylum-seekers live in urban areas in three regions of Kazakhstan.

Tajikistan:

Tajikistan is the smallest nation in Central Asia by area and borders Afghanistan on the south. It has an estimated population of eight million. Tajikistan is the country with the lowest GDP per capita in Central Asia and its economy faces significant challenges, including dependence on remittances from nationals working in Russia, corruption, and drug trafficking. Following the break-up of the

Soviet Union, a civil war was fought in Tajikistan lasting from 1992 to 1997. Emomali Rahmonov came to power in the 1994 Presidential election and was re-elected in 1999 and 2006.

Tajikistan was the first Central Asian country to accede to the 1951 Convention and its 1967 Protocol. Domestically, the 2002 Refugee Law governs access to Tajik asylum procedures. The Department for Citizenship and Refugees of the Department for Public Order of the Ministry of Internal Affairs is the main body responsible for refugee protection and carries out RSD.

Recognized refugees who are lawfully present in the territory in accordance with the Tajik Refugee Law have the right to work. This right does not extend to asylum-seekers who generally work in the informal sector. Government resolutions obliging refugees to reside outside urban areas, as well as the poor economic situation in the country, further hinder access to employment.

Tajikistan hosts the largest number of refugees of the Central Asia Operations. Significant numbers of refugees originate from Afghanistan, while others are from Kyrgyzstan, Iran and Iraq. The vast majority reside in urban areas, such as Vakhdat, Dushanbe, and Khujand in Sughd province.

Kyrgyzstan:

Kyrgyzstan is a parliamentary republic with an estimated population of 5.6 million. The country is rural with only one-third of the population living in urban areas. The economy is dominated by agriculture and mineral extraction. Almazbek Atambaev was inaugurated as President in December 2011 following the collapse of the Bakiev regime after protests in Bishkek. The political landscape is characterized by continuous changes in the structure of the government. Inter-ethnic tensions between Kazakh and Tajik communities in the south persist.

Kyrgyzstan is a party to the 1951 Convention and its 1967 Protocol and the domestic law, the 2002 Law on Refugees (amended in 2006 and 2012), reflects most international obligations and standards. The Ministry of Labour, Migration and Youth is responsible for RSD.

The state RSD system distinguishes between refugees and asylum-seekers from different countries of origin and UNHCR conducts mandate RSD. Refugees recognized by the Government have the rights to work, although employment opportunities are limited. Those with only UNHCR documents are not eligible for a work permit.

The majority of refugees in Kyrgyzstan are from Afghanistan and the second largest group is from Uzbekistan. The vast majority are located in the north of the country. It is expected that the number of Afghan refugees will continue to rise.

III. Purpose of the Evaluation

The purpose of the [regional] formative evaluation of UNHCR's work in Central Asia is learning i.e. to assess the adequacy of UNHCR's response in Kazakhstan, Tajikistan and Kyrgyzstan and draw lessons that may assist the Regional Office in Almaty, Kazakhstan, and the Operations in Tajikistan and Kyrgyzstan to adjust strategies on protection, livelihoods and self-reliance to respond to the evolving environment in these countries.

IV. Objectives of the Evaluation

For some years now, efforts have been made to achieve the goal of improving the quality of asylum systems, based on standards of international law, through targeted protection strategies in the region and advocacy initiatives, including seeking durable solutions for persons of concern. As a result, the objectives of this evaluation will be to assess whether:

- Effective protection is ensured, with special reference to the prevention of *refoulement*.
- Access to durable solutions is provided, in particular livelihoods and self-reliance.

V. Users and Stakeholders

The primary users of the evaluation will be: the UNHCR Regional Office in Almaty, Kazakhstan, and the Operations in Tajikistan and Kyrgyzstan, particularly managers; the Regional Bureau for Asia; the Division of International Protection (DIP); the Division of Programme Support and Management (DPSM); and external stakeholders with an interest in the evaluation, including refugees, host communities, national and local authorities, UN and NGO partners, and donors.

VI. Focus of the Evaluation

History of UNHCR's involvement in the country and the evolution of the programme:

Since opening its Offices in Central Asia, UNHCR has built an asylum system from the ground-up. Through a step-by-step approach, UNHCR has assisted governments in the region to draft asylum legislation commensurate with international standards and build the capacity of the judiciary and government counterparts in respect of quality asylum procedures.

Today, the asylum situation in Central Asia is, to a large extent, influenced by regional and national security concerns. All countries in the region, except Uzbekistan, have acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, yet preserving asylum space remains a key challenge for UNHCR.

In 2011, UNHCR launched the first regional Ministerial Conference on refugee protection and international migration aimed at sensitising states to accept national protection policies for persons of concern to UNHCR, known as the 'Almaty Process'. It served as a platform to advance the reception, access to the procedure and protection of persons of concern to UNHCR across the region. The Almaty Process became a leitmotiv for the regional protection strategy in Central Asia. A second Ministerial Conference was organised in June 2013 endorsing a regional plan for the protection of refugees in broader mixed-migration flows, which serves as an operational guidance to protection in the region through the preservation of asylum space, lobbying for durable solutions and protection-sensitive entry systems.

In 2014, the operational planning figure for refugees and asylum-seekers for the UNHCR Operations in Central Asia stood at US\$ 9,469,202 - covering a refugee population of 3,307. The majority of refugees are from Afghanistan (2,946 persons) with others coming from Azerbaijan, China, Egypt, Ethiopia, Iran, Iraq, Kyrgyzstan, Pakistan, Russian Federation, Palestine, Somalia, Syria, Ukraine and Uzbekistan. At the end of 2014, there were 432 asylum-seekers. UNHCR is involved in a verification process to identify the international protection needs of persons of concern for quality assurance

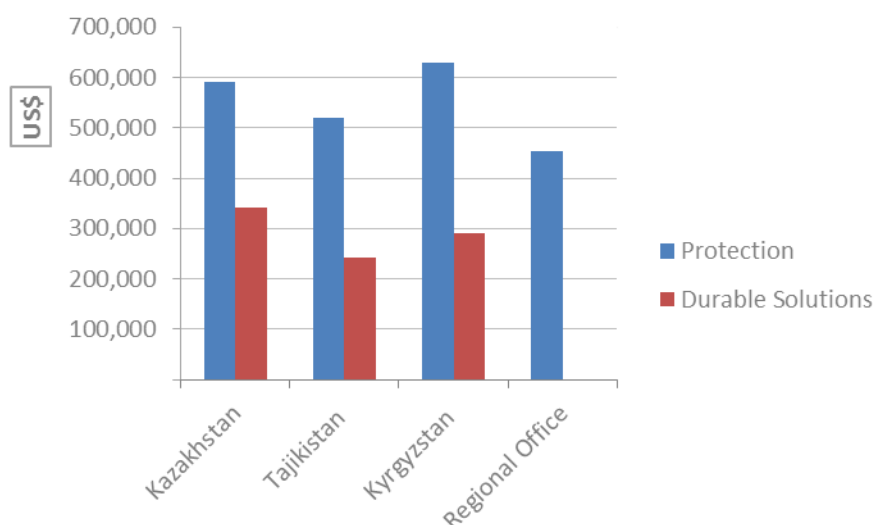
purposes. Some governments in the region may not register all those seeking asylum and/or process certain ethnicities or nationalities.

In respect of staffing, the operations in Kazakhstan, Tajikistan and Kyrgyzstan have a total of 58 staff, with 13 in Tajikistan, 28 in Kazakhstan and 18 in Kyrgyzstan.

Population Planning Figures as at July 2014		
Countries	Refugees from	Refugees in
Kazakhstan	2,171	620
Kyrgyzstan	2,345	472
Tajikistan	685	2,215

Central Asia budget trends:

The evaluation will focus on the work of UNHCR Operations in Central Asia with refugees and asylum-seekers between [1 January 2010 and 31 December 2014/ or January 2014 and 30 June 2015] with a focus on protection activities and durable solutions, in particular livelihoods and self-reliance. Below is a breakdown of the budget for these activities by operation for 2014.



Regional Office Almaty, Kazakhstan

Protection activities include the following objectives: (i) law and policy developed or strengthened, and (ii) public attitudes towards persons of concern improved.

The total budget for these activities was US\$ 454,698. Final expenditure amounted to US\$ 372,368 all of which was implemented directly by UNHCR.

Kazakhstan

Protection activities include the following objectives: (i) level of individual documentation increased, (ii) access to and quality of status determination procedures improved, (iii) quality of registration

and profiling improved or maintained, (iv) access to legal assistance and legal remedies improved, (v) public attitudes towards persons of concern improved, (vi) access to the territory improved and risk of *refoulement* reduced, (vii) law and policy developed and strengthened, (viii) protection of children strengthened, and (ix) risk of SGBV reduced and quality of response improved.

The **total budget for these activities was US\$ 592,026**. Final expenditure amounted to US\$ 494,550. Of the final expenditure 13% was allocated to implementing partners (US\$ 64,538).

Durable solutions and community empowerment and self-reliance activities included the following objectives: (i) community mobilization strengthened and expanded, (ii) self-reliance and livelihoods improved, (iii) potential for voluntary return realized, (iv) potential for resettlement realized, (v) potential for integration realised.

The **total budget for these activities was US\$ 342,647**. Final expenditure amounted to US\$ 288,566. Of the final expenditure 24% was allocated to implementing partners (US\$ 68,365).

Tajikistan

Protection activities include the following objectives: (i) reception conditions improved, (ii) access to and quality of status determination procedures improved, (iii) quality of registration and profiling improved or maintained, (iv) access to the territory improved and risk of *refoulement* reduced, and (v) law and policy developed and strengthened.

The **total budget for these activities was US\$ 519,538**. Final expenditure amounted to US\$ 537,419. Of the final expenditure 12% was allocated to implementing partners (US\$ 65,356).

Durable solutions and community empowerment and self-reliance activities included the following objectives: (i) peaceful coexistence with local communities, (ii) self-reliance and livelihoods improved, (iii) potential for voluntary return realized, (iv) potential for resettlement realized, and (v) potential for integration realized.

The **total budget for these activities was US\$ 241,419**. Final expenditure amounted to US\$ 279,585. Of the final expenditure 21% was allocated to implementing partners (US\$ 59,715).

Kyrgyzstan

Protection activities include the following objectives: (i) reception conditions improved, (ii) access to and quality of status determination procedures improved, (iii) quality of registration and profiling improved or maintained, (iv) public attitudes towards persons of concern improved, (v) access to the territory improved and risk of *refoulement* reduced, (vi) law and policy developed and strengthened, and (vii) level of individual documentation increased.

The **total budget for these activities was US\$ 629,447**. Final expenditure amounted to US\$ 577,408. Of the final expenditure 27% was allocated to implementing partners (US\$ 153,347).

Durable solutions and community empowerment and self-reliance activities included the following objectives: (i) community mobilization strengthened and expanded, (ii) self-reliance and livelihoods improved, (iii) potential for voluntary return realized, (iv) potential for resettlement realized, and (v) potential for integration realised.

The total budget for these activities was US\$ 291,390. Final expenditure amounted to US\$ 268,244. Of the final expenditure 16% was allocated to implementing partners (US\$ 42,723).

Description of the main challenges:

Central Asian countries continue to strive for political and socio-economic stability, in addition to addressing security challenges in the region. Economic growth, which deteriorated as a result of the 2009 financial crisis, has since improved and a number of initiatives have aimed at encouraging trade in the region. Insecurity has risen as a result of the political and security transitions in neighbouring Afghanistan, as well as domestic tensions. In the light of the current context, States in Central Asia retain conservative policies on asylum and migration.

VII. Scope of the Evaluation

The evaluation will focus on the work of UNHCR Operations in Central Asia with refugees and asylum-seekers from [1 January 2010 to 31 December 2014/ or January 2014 to 30 June 2015]. During the period under review, Central Asia Operations have invested in building asylum systems with the intention of achieving the following objectives: (i) favourable protection environment, (ii) fair protection processes and documentation, (iii) security from violence and exploitation, (iv) community empowerment and self-reliance, and (v) durable solutions.

[Although Uzbekistan and Turkmenistan fall under the purview of the Regional Office in Almaty, Kazakhstan, covering the Central Asia region, neither one will be covered by a field mission or become subject of the same formative evaluation due to prevailing operational challenges. This notwithstanding, since the overall coverage of the Regional Office includes both countries, reference may be made to Uzbekistan and Turkmenistan as appropriate in the formative evaluation.]

Strategic positioning:

Taking into account UNHCR's mandate, presence and established programme in Central Asia, the evaluation will aim to establish to what degree the programme is:

- Relevant to the needs of the effected populations and in accordance with a rights based approach.
- Ensuring access to protection and durable solutions for persons of concern, in particular in respect of livelihoods and self-reliance.

Policy formulation and decision-making:

The evaluation will identify the key drivers and decisive factors that have determined the shape and composition of the programme in Central Asia and to what degree UNHCR has:

- Analysed the political, security and protection climate/displacement situation and related protection needs sufficiently thoroughly and factored these insights into the design of its interventions.
- Appraised whether it has sufficient technical capacities and financial resources to manage its interventions strategically and to secure identifiable results.
- Assessed whether the quality of its selected partners and partnerships is appropriate.

- Put in place sufficient capacity to monitor and to generate insights into the operation to allow for change and adaptation in response to changes within the operating environment or beneficiary needs.
- Reviewed the issues that may have led to the choice of different strategies and/or approaches being adopted by UNHCR (government policy and capacities, humanitarian imperatives, gaps in identified needs and response capabilities, resource levels, etc).

Key Questions:

Guided by the OECD/ DAC criteria, the [regional] formative evaluation will address the following areas:

Main cross-cutting evaluation questions

1. Relevance

- An assessment will be made as to whether the objectives and rationale of all related protection and solutions activities are/ or remain relevant or valid in relation to long-term gaps, needs and impediments of persons of concern to UNHCR, as well as objectives and activities, based *inter alia* on a review of the historical evolution of UNHCR's presence in the region.

2. Effectiveness

- The degree to which activities undertaken are successful in achieving their objectives.

3. Efficiency

- The overall and continued institutional capacity needs of the governments in the region to discharge protection obligations. This includes staffing structures, office structures, IT needs and establishment of procedures and appeal procedures.
- The role and activities of the relevant bodies in terms of their ability to efficiently discharge the protection mandate.
- The sustainability of the outcomes of the capacity building process.

4. Coordination

- How has UNHCR interacted with governments, other UN agencies, embassies, NGOs and civil society in general?
- Has UNHCR assessed whether the quality of its selected partners and partnerships is appropriate?
- How well have the UNHCR operations coordinated with other humanitarian and development actors in responding to the challenges it has chosen to address?

5. Coverage

- How successful have the UNHCR operations been in covering the needs of the affected displaced population?
- Have the operations made an effort to channel and target resources to those within the affected population determined to be the most vulnerable?
- Have the operations and their partners reviewed their approach to protection and assistance to ensure that interventions are reaching the most affected communities and individuals?

6. Impact

- What has been the impact of UNHCR's capacity-building work, in terms of influencing the policies and actions of government, the judiciary and other state authorities, and other consequences?
- What has been the impact of UNHCR field presence on the displaced population?
- Has UNHCR's presence helped to reduce displacement or has it inadvertently contributed to protracted situations of displacement?
- What were the key factors that led to the operations' results and what are lessons learned for the future?

Sector-specific evaluation questions

Sector-specific evaluation questions have been selected on the basis of two key objectives; protection, and livelihoods and self-reliance. These two objectives are linked given that the status of persons of concern has a direct bearing on access to livelihood opportunities and access to livelihoods is a step towards successful integration. As such, the protection context is an important framework within which to analyse livelihoods and self-reliance strategies.

1. Durable solutions, in particular livelihoods and self-reliance

- Are country offices meeting the needs and priorities of persons of concern, in particular those that are able to benefit most from livelihood programmes? Are capacities and vulnerabilities of persons of concern adequately addressed?
- Do country offices address all possible avenues to ensure livelihoods programmes can pave the way for successful integration, for example through access to the right to work and freedom of movement?
- Do livelihood programmes adequately address linkages with relevant host country policies, laws and practices, as well as humanitarian/ refugee policies and practices?
- What impact does the status of persons of concern have on access to livelihoods and self-reliance, for example is there a difference in treatment between asylum-seekers and mandate and convention refugees?
- Has an adequate budget been allocated to livelihood programming, were allocated budgets used, or were budgets cut from ongoing programmes? What has been the impact?
- Are country offices able to meet short, medium and long-term livelihood needs?

- Does UNHCR work with development partners for longer-term sustainable livelihood approaches?
- Is the range and capacity of field partnerships adequate to cover the needs, capacities and vulnerabilities of persons of concern?
- What is the amount of resourcing that goes into field level partnerships and what outputs are achieved as a result?

2. Effective protection with special reference to the prevention of *refoulement*

To what extent has UNHCR's protection strategy, with a particular focus on advocacy and capacity building, [both regionally and] at country level contributed to:

- Improving access to the territory.
- Improving access to asylum procedures.
- Enhancing the quality of asylum procedures.
- Ensuring national legislation is commensurate with international standards.
- Preventing *refoulement*.
- Overall improvement of the protection status of persons of concern to UNHCR including access to documentation, freedom of movement and other rights enshrined in the 1951 Convention and the 1967 Protocol.

Performance and results:

The evaluation will assess UNHCR's performance and results on the basis of:

- The objectives set and results achieved as against the standard evaluation criteria for a humanitarian operation – efficiency, effectiveness, relevance, sustainability, coordination and coverage.
- The quality of the partnerships developed and the degree to which these have served UNHCR's objectives.

VIII. Methodology

The detailed methodology will be designed by the consultants following a desk review and preliminary interviews with key stakeholders. The consultants will thereby assess and confirm the evaluability of the questions set out above. For each key evaluation question, the data source, method and associated criteria will be clearly defined so as to constitute a solid evidence base for any findings. The methodology and evaluation questions will be finalised by agreement between the consultants and the UNHCR Operations in Central Asia.

It is envisaged that a mixed-method approach will be adopted, including qualitative (interviews and surveys) and quantitative methods (document review and data analysis, including monitoring data). It will include interviews and focus group discussions with key stakeholders including relevant UNHCR staff at HQ and country level, UN and NGO partner agency staff, national authorities, donors and affected populations. Consultations will ensure displaced persons are engaged, including men,

women, boys, girls, and persons with vulnerabilities. Data from the different sources will be triangulated and cross-validated so as to determine the robustness of the findings.

IX. Theory of Change

The evaluation will be based on a Theory of Change approach for humanitarian action. Theory of Change involves the identification and testing of the assumptions/ strategies of a programme and whether activities based on these assumptions have contributed to achieving intended impacts. This approach is particularly useful for learning as it allows for an assessment of whether underlying theories are faulty or identify issues with programme implementation. Evaluation results can indicate if programmes are on track to achieve stated objectives and help stakeholders adapt strategies to achieve intended results.

X. Oversight and Quality Assurance

PDES will ensure that the evaluation comports with international good practice for evaluations during the production of the inception, draft and final reports. The PDES Task Manager and the Head of Service will ensure that the process passes two levels of review. The primary aim of quality assurance will be to verify that the report: (i) conforms with the ToR, and (ii) that it provides the required evidence to ensure that its findings are credible and verifiable and that they are linked to its findings conclusions and recommendations.

XI. Timeline and Deliverables

The evaluation should be completed within four months (excluding the preparation phase). The below timeline provides an indication of the key activities of the evaluation. Given the limited size of the operations in Kyrgyzstan and Tajikistan, the mission will spend three days in each country whilst a total of six days will be spent in Kazakhstan for briefings and debriefings.

Task	Jan- July	Aug	Sept	Oct	Nov	Dec
Preliminary literature review and interviews						
Reference Group established						
Consultants contract						
Interviews Senior Staff HQ Geneva						
Data collection tools developed						
Data collection in HQ and field						
Terms of Reference formative evaluation						

finalised		
Data collection in the field		
Confidential survey issued and analysed		
Data analysis and results		
Report drafting		
Report review		
Report submission		
Management performance matrix completed and formal presentation of the report.		

Key deliverables:

The evaluation consultants will be responsible for producing the following key deliverables in accordance with the agreed timeline. All deliverables should be provided in English; data collection tools should also be translated into Russian.

Data collection tools – The consultants should develop specific data collection tools to address the evaluation questions, consistent with the proposed methodology.

Oral briefing to stakeholders – At the end of the evaluation mission, the consultants should provide an oral briefing to stakeholders presenting the initial analysis of the data collected through the desk review and evaluation mission.

Evaluation report – The evaluation report should include the following: executive summary, description and short assessment of methodology, findings, analysis, conclusions recommendations and references. The TOR, data collection instruments and other relevant information should be added to annexes. Findings and conclusions should be evidence-based and clearly linked to the evaluation questions. Recommendations should be limited in number, actionable and directed to relevant actors.

Final briefing with PowerPoint presentation – The consultants will provide a final briefing to key stakeholders in Kazakhstan, Tajikistan and Kyrgyzstan, including a PowerPoint presentation of the main findings, conclusions and recommendations.

XII. Organisation and Conduct of the Evaluation

The evaluation will be managed by PDES, and will be conducted by two evaluation consultants with expertise on protection policy, livelihoods and self-reliance, as well as PDES staff. PDES will provide quality assurance and technical backstopping to the evaluation process. The final evaluation report and management response will be published on the PDES website. The conduct of the evaluation

should conform to UNEG Ethical Guidelines for Evaluation¹ and the UNEG Code of Conduct for Evaluation in the UN System.² The evaluators will be independent of the activities to be evaluated and have no stake in the outcome of the evaluation.

In accordance with the ALNAP Guide to the Evaluation of Humanitarian Action, a reference group will be established. The reference group will be made-up of primary stakeholders familiar with the local environment who can advise on practical issues associated with the evaluation and on the feasibility of the resulting recommendations.³ It will include UNHCR staff from the Regional Bureau, as well as individuals familiar with UNHCR's work in Central Asia.

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¹ <http://www.unevaluation.org/document/detail/102>.

² <http://www.unevaluation.org/document/detail/100>.

³ ALNAP, Pilot Guide to the Evaluation of Humanitarian Action, page 72.