

TERMS OF REFERENCE FOR THE EXTERNAL EVALUATION OF THE PROJECT

TSAPAR II: ENHANCING THE PROTECTIVE JUSTICE SYSTEM FOR CHILDREN AND WOMEN IN AFGHANISTAN

1. Presentation of Terre des Hommes

Terre des hommes (Tdh) is Switzerland's largest children's aid organization. For more than half a century, the Foundation has been working alongside children in distress. It struggles to enforce their rights, without political, racial or denominational concerns. In more than 30 countries, Tdh protects children against exploitation and violence, improves the health of children and their mothers, and provides psychological support and material assistance in times of humanitarian crisis.

Afghanistan has been subject to a protracted and complex crisis for over 35 years with a huge humanitarian distress as direct consequence. The humanitarian community has identified that 8.7 million people (25% of the population) have chronic needs which require long-term systemic actions to address. Hence, approximately 13.5 million people live below the poverty line (39% of the population); an estimated 10 million people (29%) have limited or no access to essential health services; while 1.9 million people (6%) are severely food insecure, predominantly due to a lack of or limited access to sustainable job opportunities.

According to the Human Development Index, Afghanistan is the 15th least developed country in the world. Its average life expectancy at birth is reported at around 60 years (WHO 2016). The country's maternal mortality rate is 396 deaths/100,000 live births and its infant mortality rate is 66 to 112.8 deaths in every 1,000 live births (CIA 2016). The country has more than 3,000 midwives, with an additional 300 to 400 being trained each year for a total population of 34 656 032 people.

Children and youth account for more than 50% of the population in need and represent the most vulnerable group of the country. Hence, 3.5 million children are out of school, while 40% of all children under the age of five are stunted.

In addition, as reported by OCHA, at the end of 2017, there were 200'000 refugees returned from Pakistan – 57% of whom are children -, 180,000 undocumented returnees – 52% of whom are children -, and 100,000 Pakistani refugees – 71% of whom are children.

Since 1996, Tdh core expertise in Afghanistan includes Maternal, newborn and Child Health (MNCH), Psychosocial Support (PSS), Vocational Training (VT), Informal Education, Access to Justice (A2J), Livelihoods, Labour Based Road Construction (LBRC) and strong involvement in outreach community based interventions in Child Protection in Emergency (CPiE), and non-formal Mine Risk Education (MRE).

2. Access to justice in Afghanistan and TSAPAR II

Current situation: Vulnerable children are more at risk to be in conflict with the law and end up in detention

Juvenile crime tends to reflect particularly vulnerable situations, with most of the concerned children coming from impoverished or fragile households, and bearing responsibilities that are hard to fulfil in a hostile environment. In 2012, countrywide juvenile statistics indicated as the three main categories of offenses: theft (23%), moral crimes (18%), and fighting and injury (12%). A joint study conducted by the Afghanistan Human Rights Commission (AIHRC) and UNICEF in 2008 showed that 76% of boys and 32% of girls in conflict with the law reported that they were in street and/or working situation before their arrest and detention. It is estimated that 70% of the population lives on less than 2 dollars a day and over 8 million Afghans – including 67% children and 51% women – are in need of humanitarian assistance.

In a country where more than 50% of the population is under 18, the context suggests a high potential for increase in juvenile delinquency, and with tough responses from the justice sector to counter it, it also suggests potentially deep consequences for the psychological and social development of the young Afghan generations. Children and women, being among the most vulnerable population of Afghanistan, are more at risk to enter in contact/conflict with the Law than other categories. This situation is getting worse with the unprecedented situation of displacement and repatriation since 2015 that the country is facing. Indeed, the plight of IDPs, with 1.2 million affected individuals in 2016, presents a tremendous challenge. With communities trapped in desperate living conditions, more pressure adds up for bread-winners (and the most vulnerable among them: child/female heads of household) expected to support families to cope with the situation. A current study on GBV among internally displaced boys and girls in Kabul documents the fact that prevalent child labour in this harsh environment leads to boys facing high risks of violence, exploitation, abuse and Worst Form of Child Labour in their attempts to earn money. In relation to female (or child) heads of households, negative coping mechanisms range from early marriage to worst forms of child labour, as means of survival. Displacement may also mean trauma, unshackled violence, and lack of protection for uprooted and disconnected communities: in that perspective, social exclusion acts as a “time bomb”, and in their predicament excluded youth experience rising pressures to join gangs and engage in criminality.

After criminalisation and punishment, stigma, poverty and isolation create further risks of never-ending vicious circles.

Women, boys and girls who have ended up in conflict with the law, experience tremendous difficulties upon release for reintegration back into the community, at various levels. Stigma and shame can play a significant role in jeopardising the rehabilitation of former offenders.

Reintegration can be jeopardized in very practical terms, with great risks for women, boys and girls to lose the social and economic safety nets, and most essentially, the means for basic subsistence. As far as women and girls are concerned, dependency on family and male relatives’ support often means that women may choose to go back to their households after release from prison even when family is at the source of the dispute, as it is the only option they see for survival; leading to further risks of violence, abuse and criminalization.

Tsapar 2

- Title of the project: Tsapar 2: Enhancing the protective justice system for children and women in Afghanistan;
- Project duration: 01/01/2017 – 31/12/2019;
- Total budget: 1 066 000 Euros;
- General objective: Women and children's Human Rights are better protected in the chain of justice;
- Specific objective 1: by the end of 2019, improved knowledge, attitudes and practices in target communities contributes to enhanced skills of and protective services for women and children in contact with the law and at risk of offending;
- Specific objective 2: by the end of 2019, there is an increased quality of protection services in detention facilities in the project areas, so that women, boys and girls in detention gain increased agency in their social reintegration through a safer and enabling system;
- Specific objective 3: by the end of 2019, there is improved capacity, coordination and commitment to ensure access to justice for vulnerable women, boys and girls in greater compliance with international standards.

3. Objectives of the project evaluation

The main objectives of the project evaluation are the following:

- Determine to which extent Tdh's action has fulfilled the objectives, outcome and outputs of the project;
- Analyse the significant and sustained changes in the lives of the primary beneficiaries targeted by the project (impact).
- Set out a list of lesson learned and recommendations which will provide a basis for formulating action-oriented strategies and interventions.

4. Scope of the evaluation

The evaluation will cover TSAPAR II's implementation and will provide recommendations and lessons learned.

5. Intended users of the evaluation

The evaluation will be used by Tdh in order to orient its future actions, and by the European Union in order to better evaluate the work of Tdh within the framework of TSAPAR II.

6. Evaluation criteria and questions

This evaluation will address the project implementation using the following criteria:

1. To what extent the TSAPAR 2 Project has helped in improving detention condition for women and children?

1. **Relevance** Does the intervention address the priorities, needs of the rights holders targeted by the project? To what extent is the project building on their capacities?
2. Are the proposed objectives and results in line with the Strategic Development Plans of Afghanistan?
3. Is the Project in line with international and, above all, national instruments for prevention, protection and empowerment of women and children specifically?

- **Effectiveness**

4. Is the design of the intervention correctly oriented and effective towards foreseen results achievement?
5. To what extent the implementation process has contributed to the achievement of the objectives/results of the Project?
6. Are the training strategies and the strategies used in awareness-raising sessions, including materials, methodology, staff skills, etc. facilitating the acquisition and application of knowledge on the part of the participants?

- **Impact**

7. What are the early signs of positive and negative long-term changes resulting from the intervention, directly or indirectly, intended or unintended?

- **Efficiency**

8. Is the transformation of resources into results being carried out efficiently? Are there any alternatives for achieving results using fewer resources?
9. Are the human and material resources sufficient for achieving the projected results and objectives?
10. Are the capacities of Tdh and partners sufficient to achieve the expected results and objectives?
11. To what extent are the organizations participating in the project mutually strengthening and complementing each other?

12. **Human rights and gender perspective** How has the intervention taken into account different needs of women, men, boys and girls in particular with regards to training, capacity building and awareness raising activities within the ICs and JRCs?

13. Are the methodologies and materials used in training and awareness raising sessions incorporating gender and diversity responsive approach and human rights-based approach coherently with the whole intervention strategy?

- **Consistency**

Through these criteria, the evaluation is conducted on two levels. One is internal, assessing the articulation of the objectives of the intervention using the instruments proposed to achieve them, and their adequacy in relation to the problems. The other is external and analyses the compatibility of the intervention with other strategies and programs with which there may be synergies or complementarity.

14. Are the different aspects and strategies included in the intervention complementary and mutually strengthening?

- **Participation**

15. Have the participatory processes with stakeholders been appropriated and efficient

- To what extent have the local partners participated in the design, management, monitoring and evaluation of the intervention? To what extent the action lines have been assumed by implementing partners?
- Have the decisions made through the participatory process been implemented during the Project implementation?

16. What have been the main barriers, strategies to overcome them and the main benefits of the participatory processes implemented with stakeholders of the Project?

7. Methodology

The evaluation will include both desk review and empirical research to be carried out in the area of intervention of the project.

Hence, the consultant will review and analyse all relevant project database, past reports on the action and other pertinent material related to the project and broadly to the programme “Access to Justice” the intervention fits in that would be provided by Tdh teams. In addition to that, s/he will visit project locations, conduct individual interviews with projects’ staff and with beneficiaries as well as focus group discussions (FGD). Applicants can propose different methods and tools in addition to the ones suggested within these ToRs and are expected to elaborate on the rational of each tool selected and what it would entail specifically, as well as a comprehensive Evaluation Matrix (analysis plan).

The following groups of actors are recommended to be consulted:

- a) Children attending the Integration Centres in Jalalabad and Herat and their families;

- b) Children in conflict with the law detained at the JRCs in Jalalabad and Herat and their families;
- c) Judges, prosecutors, lawyers, police officers, social workers, religious leaders active in the project locations.
- d) Tdh staff.

Specific methods and data collection tools will be developed for each target group, ensuring that contents of tools enable triangulation of perspectives and data collected accordingly.

The evaluation will be guided, at a minimum, by the following ethical principles and considerations, where the evaluation proposal can add when relevant and needed:

- The consultant must respect the privacy of the persons met and seek their informed consent to participate in the evaluation; the information they provide will be treated confidentially (i.e. the no identifying information will be revealed in the report).
- The consultant must consider the level of vulnerability and protection status of the research targets and adapt their questions and attitude accordingly;
- During the evaluation, the best interests of the child shall always be taken into consideration by the consultant. If during the process the consultant becomes aware of a child in need of protection and/or assistance, the best interest of the child takes precedent over the desired outcomes of the consultancy. This consultancy should not put any child in danger and if a request is made for assistance or the consultant recognizes a risk, the appropriate resource agencies will be activated to assist the child when possible;
- For engaging with children in evaluation, it should be made use of **methods adapted to their cognitive and social maturity**, with all precaution taken to avoid generating expectations, respondent “fatigue”, tokenism or re-victimization. Data collection methods and tools must be culturally appropriate and gender-sensitive
- The consultant and anyone else affiliated with the evaluation (assistants, translators etc..) must sign the Terre des hommes **Child Safety Policy and Code of Conduct** and be willing to adhere to its principles and expected practices.

8. Organisation of the evaluation

The evaluation will be conducted by an external consultant who will be supported by Tdh Access to Justice Team in Afghanistan. Draft and final report will additionally include feedback from the Access to Justice MENA Regional Coordinator as well as from the Tdh Quality & Accountability Unit at headquarters.

The consultant will be responsible for the entire evaluation process:

- Desk review;
- The development of the methodology, the development of data collection tools and their field-testing;
- Organisation of meetings with all relevant stakeholders with the support of Tdh A2J team;
- Drafting the final evaluation report.

The consultant has to be already present in Afghanistan.

Tdh will provide support to the consultant throughout the evaluation. Notably, Tdh will support her/him for organising the meetings with national, local authorities, Tdh staff and beneficiaries.

9. Chronogram

The evaluation will consist of 20 working days, starting in September 2019, including:

- 10 days of field work (including 3 traveling days);
- 10 days for desk review and finalisation of the report.

The proposed workplan of the consultancy is as follows. Applicants are expected to elaborate with further detail in the evaluation proposal to be submitted (this is indicative and non-exhaustive):

- Desk assessment of the available documentation;
- Field visits to Tdh Kabul Office, Jalalabad and Herat;
- Preparation of the draft report and revision process;
- Finalisation and submission of the final report.

2 days	Desk review & briefings
2 days	Preparation of inception report, including methodology and data collection instruments
2 days	data collection in Kabul Office and national authorities (MoLSA, MoJ)
4 days	data collection in Jalalabad (IC, JRC)
4 days	Data collection in Herat (IC, JRC)
6 days	Preparation and finalisation of the report

TOTAL: 20 days

10. Deliverables

1. Inception report including: methodology, evaluation matrix, data collection instruments, detailed workplan, first highlights from desk review;
2. Draft report;
3. Final report.

A consultancy report of maximum 35 pages, without annexes shall be submitted to the Country Delegate one week after the consultancy timeframe (20 days).

This report shall include at minimum and not exclusively:

- An executive summary (max. 2 pages);
- An automatic table of contents;
- A list of annexes, glossary, tables, figures, pictures, graphs, maps, bibliography et cetera;

- An introduction;
- The framework of the evaluation;
- The presentation of the methodology, scope and limitations;
- A background chapter (short);
- The main findings (including disaggregated data);
- Detailed, specific and actionable recommendations against the main evaluation questions;
- Annexes.

The report shall be provided in Word format and written and submitted in English.

11. Terre des hommes Child Safeguarding Policy

Tdh commits to best practice in Child Protection in the implementation of its projects, following its own Child Safeguarding Policy. Besides, in the event of partnering with local organizations, Tdh ensures that they also develop and apply a Child Safeguarding Policy. In this framework and provided that the volunteers will be in contact with Tdh partners and beneficiaries, they will be requested to sign and follow Tdh Child Safeguarding Policy and will therefore be briefed accordingly.

12. Terre des hommes Policy on the Protection from Sexual Exploitation and Abuse

This policy follows on directly from the Terre des hommes' Global Code of Conduct (GCoC), which sets out the importance of and requirements for the good conduct of staff and establishes a systematic obligation to report any behaviour that contravenes it. Any form of sexual exploitation and abuse (SEA) of our beneficiaries and the communities in which we work is a profound betrayal of Tdh's fundamental values, as well as of our mandate to protect vulnerable populations. All our employees, including consultants and partners, are therefore required, without exception, to take all the necessary measures and undertake high levels of due diligence to prevent and manage any suspected or proven case of SEA.

13. Profile of the consultant: qualifications and experience

- Proven experience in conducting previous EC projects' evaluations related to child protection specifically;
- University degree in one of the following subjects: law, social sciences, development studies, sociology;

- Proven expertise in leading project evaluations in humanitarian and development projects;
- Extensive experience in evaluation tools design, analysis and report writing;
- Excellent interpersonal communication skills;
- Sound Technical knowledge and understanding of child protection and access to justice for children; Knowledge of the Afghan legal framework, and, notably of the penal code, criminal procedural code and its Annex II, juvenile code et cetera
- Experience with qualitative assessment methods; Good listening and interviewing skills, be open to 'unheard voices', be friendly, non-judgmental and patient;
- Child-friendly behaviour and language and a gender-sensitive approach;
- Practical, flexible, structured and organized – excellent planning skills;
- Experience in providing strategic recommendations;
- Acknowledged similar consultancies with recognized organizations;
- Excellent writing skills;
- Excellent knowledge of English; Dari and Pashto would be a strong asset and highly preferred (a translator will be provided by Tdh if needed);
- No criminal records.

14. Application procedures

To be considered, interested and qualified consultants must submit the following documentation:

1. Curriculum vitae (max. 3 to 4 pages highlighting work experience and qualifications relevant to this evaluation);
2. Evaluation technical and financial proposal¹ (maximum of 10 pages both);
3. Full contact details of at least two references from among recent clients;
4. One sample evaluation report highlighting experience relevant to this evaluation.

Please send your applications to the HR Department of Tdh Office in Kabul, at the following email address: hrt dhafg123@gmail.com, and put in cc Mr. Hedayatullah Rameen, hedayatullah.rameen@tdh.ch and Mrs. Valentine Debonneville, valentine.debonneville@tdh.ch.

Deadline for submissions is 13rd of July 2019. Only applicants submitting complete applications and under serious consideration will be contacted.

¹ Maximum consultancy rate at Tdh is fixed at CHF 420 / EURO 370.- per day, to be added to per diem (CHF 24 / EURO 29- per day) during the field visits. Tdh will provide the consultant with on site transportation, accommodation, and translator if required. The total budget in project for the evaluation process is 8,000 EURO.