

SPECIFIC TERMS OF REFERENCE
Socio Economic Justice for All Programme
Sector Budget Support
Agreement No ZA/DCI-AFS/024-552
Final Evaluation

Terms of Reference

1. Background

1.1 Beneficiary Country

The Republic of South Africa.

1.2 Contracting Authority

The Contracting Authority is the DOJ&CD.

1.3 Socio Economic Justice for All – Sector Budget Support Component

The SEJA (Socio-Economic Justice for All) Programme is a Sector Budget Support programme resulting from the Financing Agreement (FA) between the DOJ&CD and the EU (European Union) and follows on from the AJPCR (Access to Justice and Promotion of Constitutional Rights) (AJPCR) programme. The FA was signed on 14 May 2014, with the 60-month operational period scheduled to end on 13 May 2019, with a further 24 months allocated to the closure period. In September 2018 the parties jointly agreed to extend the operational period of the programme by 12 months.

The SEJA Programme's objective is to contribute to the strengthening of democracy by improving access to justice and promoting constitutional rights with a particular focus on socio-economic rights.

The Technical and Administrative Provisions (TAPS) of the financing agreement sets out the key result areas and indicators under the programme and are attached as Annexure 1.

This programme, funded via Sector Budget Support, assists the South African Government in achieving its strategic goals of National Building and Social Cohesion, and Building a Capable and Developmental State. Under those goals, particular attention is given to vulnerable and marginalised groups, particularly those in townships and rural areas and to the building of partnerships with CSOs.

1.4 SEJA Implementing Partner – Foundation for Human Rights

The SA Government and the EU established the Foundation for Human Rights (FHR) in 1996 as an independent grant making agency in South Africa with its sponsoring department being

the DOJ&CD. The mandate of the FHR was to contribute to the addressing of inequalities, promoting and entrenching human rights values with the key objectives being to address the legacy of apartheid, support the transformation of the country and to build a human rights culture, using the Constitution as a tool. The Foundation successfully implemented two human rights programmes between 1996 and 2007 in partnership with the DOJ&CD.

The DOJ&CD was of the opinion that an intermediary implementing partner would be an important modality to maintain the independence of the civil society sector particularly in respect of funding. Thus the DOJ&CD concluded an agreement with the FHR to jointly implement the Sector Budget Support component of the ACJPR programme from 2009 to 2014.

The successful implementation of the ACJPR programme resulted in a further financing agreement for sector budget support between the EU and DOJ&CD with FHR as its implementing partner of the SEJA programme.

2. Objective of the Final Evaluation

The objective of the Final Evaluation is to conduct an independent assessment of the performance and impact of the SEJA programme.

3. Key Focus Areas

The evaluation will assess the SEJA Programme according to the five standards of the Organisation for Economic Co-operation and Development Assistance Committee (OECD-DAC) evaluation criteria, namely: relevance, effectiveness, efficiency, sustainability and perspectives of impact. In addition, the evaluation will assess two specific evaluation criteria:

- 3.1 The EU added value (the extent to which the Programme adds benefits to what would have resulted from the Government of South Africa's interventions only); and
- 3.2 The networks and linkages that have been created by the Programme in relation to:
 - the level, degree and representation by the beneficiaries and stakeholders, (government and donor partners etc.) in the implementation of the project;
 - the alignment of the Programme with South African Constitutional values, norms and standards, identifying linkages and opportunities for achievement of objectives/targets for realising, promoting and protecting Constitutional Rights.

4. Outputs

- 4.1 **Inception Report:** This report should finalise the conceptual framework to be used in the evaluation, the methods and scope of data collection, the timelines by which the deliverables will be completed, and a proposed framework for the final report.
- 4.2 **Progress Reports:** The consulting team will submit fortnightly progress reports.
- 4.3 **Draft Report:** The consulting team will present a draft report to the project stakeholders (DOJ&CD, FHR, EU, Treasury) in a consultative workshop.

4.4 **Workshop Presentation:** The consulting team will facilitate a one-day concluding workshop for the project stakeholders to review the findings of the evaluation.

4.5 **Final Report:** The final report should be logically structured, contain evidence-based findings, conclusions, lessons and recommendations, and should be free of information that is not relevant to the overall analysis. The report should respond in detail to the key focus areas described above.

5. Background Documents

The following documents will be made available to the review team.

- Financing Agreement and Addenda to the Financing Agreement
- Memorandum of Agreement between DOJ&CD and FHR
- DOJ&CD's Annual Performance Plans 2014/15 – 2019/2020
- FHR Quarterly and Annual Reports to the DOJ&CD – 2014/15 – 2019/2020
- The Mid-Term Review of the SEJA Programme
- The final evaluation of the AJPCR Programme
- Minutes of DOJ&CD / FHR Working Group meetings
- Progress reports submitted to the EU
- Documents (including contracts, progress reports and reviews) compiled in the process of delivering on the detailed objectives of the programme activities identified in Table 1 below.

Table 1: SEJA KRAs

KRA 1: Improved awareness of constitutional rights with an emphasis on Socio-Economic Rights and on vulnerable groups	1.1	Public reached by programmes to raise awareness and knowledge of the Constitution with an emphasis on Socio-Economic rights and on vulnerable and marginalised groups
	1.3	Programmes developed and implemented to increase awareness and knowledge of constitutional rights in schools (in partnership with DBE)
	1.5	Grants awarded to CSOs to promote awareness and access to socio economic rights among vulnerable and marginalised groups
KRA 2: Enhanced participatory democracy through public policy dialogues on constitutional rights	2.1	Support policy forums/stakeholder engagement between civil society and government
	2.2	Design and implement innovative strategies to ensure that marginalised and vulnerable groups have more direct input into policy-making
	2.3	Public policy dialogues held with stakeholders in the human rights sector
KRA 3: Improved and sustained collaboration between government, Chapter 9 institutions, civil society and other stakeholders in terms of justice service delivery and socio-economic rights	3.1	Grants awarded to the Community Advice Offices (CAOs) in the Human Rights Sector
	3.2	Design and implement programmes to promote the sustainability of the Community Advice Offices
KRA 4: Increased Research on Socio-Economic Rights and Jurisprudence	4.1	Research programmes on the implementation of socio-economic rights
KRA 5: Improved Sector Co-Ordination and Policy Design on Constitutional Development	5.1	Research programmes on the implementation of socio-economic rights for sector coordination
KRA 6: Strengthened capacity, engagement and participation of CSOs in the realization of constitutional rights	6.1	Design and implement programmes securing the long-term sustainability of CSOs in the human rights sector
	6.2	Design and implement capacity building interventions to build and strengthen active citizenry

6. Consultants

The evaluation will be conducted by a team of consultants with following qualifications:

- 6.1 Detailed knowledge of the CSO sector in South Africa, and of the social justice sector in particular.
- 6.2 Experience in conducting quantitative and qualitative evaluations.

7. Format of Submission

The response to this request for proposals should consist of following two documents:

- A** Technical proposal
- B** Financial proposal

Each document should be clearly marked and placed in a separate envelope.

7.1 Technical Proposal

The Technical Proposal should consist of the following sections, in the order specified:

- 7.1.1 An overview of the company/consortium submitting the proposal, including details of management and governance structures where applicable.
- 7.1.2 An overview of the proposed methodology that will be used in the evaluation.
- 7.1.3 An indicative workplan.
- 7.1.4 Names and specific responsibilities of the team members who will participate in the study.
- 7.1.5 CVs of each team member.

7.2 Financial Proposal

The Financial Proposal should consist of the following sections, in the order specified:

- 7.2.1 A detailed budget.
- 7.2.2 The latest annual financial statements of the company/consortium, if applicable.

8. Location and Duration

- 8.1 **Starting period:** The indicative commencement date for performance of the evaluation is 1 March 2021.
- 8.2 **Duration:** The period of implementation of this contract is 60 working days (excluding weekends) from the date of commencement of contract implementation up until the approval of the final report. The Final Evaluation should be submitted not later than 30 June 2021.

9. Reporting

The debriefing presentation should be presented at a workshop. The FHR will take responsibility for the logistics and other costs associated with the workshop.

The Draft Final and Final Reports should not exceed 150 pages inclusive of an executive summary but excluding annexes. All reports should be drafted in English, and prepared with MSOffice or other compatible software.