



FWC BENEFICIARIES 2009

LOT 7: Mid-Term Review of the Programme of Assistance to the South African government to prevent and react to human trafficking EuropeAid/127054/C/SER/multi

1. Background

South Africa is a destination, transit and country of origin for human trafficking for various purposes including sexual exploitation, forced labour, illegal adoptions and the extraction of body parts and organs. Primary source countries in Africa include Angola, DRC, Mozambique, Malawi, Lesotho, and Swaziland. The victims that are trafficked into South Africa are primarily to be found in Johannesburg, Durban, Cape Town, in mining communities, and other isolated areas such as commercial farms. There is also substantial in-country trafficking of rural women and children.

In order to provide a response to human trafficking, the European Commission and the Government of South Africa entered into a Financing Agreement in terms of which the EC made a grant of an amount of Euros 6.300.000 to the Government to implement a programme intended to prevent and combat trafficking in persons and facilitate international cooperation against such trafficking. The programme is formally entitled the "*Assistance to South African Government to prevent and react to human trafficking*" ("the Programme"). A first rider to the Financing Agreement was approved in July 2008. The rider main objective was to extend the operational implementation period by one year until 31st December 2010 and the closure period up to 31st December 2012, as is currently the case. The programme is implemented under the responsibility of the South African National Prosecuting Authority (NPA).

While the RSA has taken its first steps to combat trafficking by adopting the International Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the *Palermo Protocol*) there are at present no specific laws prohibiting the trafficking of people in South Africa, although other legal mechanisms legislation governing the protection of women and children, for example – do exist. In line with its obligations, the government is developing trafficking legislation, which it is aiming to have passed by Parliament over the course of 2010.

A National Task Team (government departments, international organisations and NGOs) has been set up and is working on a National Action Plan in order to establish policy and to allocate departmental responsibility to ensure that South Africa meets its legal and moral commitments. The Programme is intended to support the coordinated

efforts of the South African government and civil society, focusing specifically on South Africa's needs and responsibilities as a destination country for human trafficking.

The overall objective of the Programme is to ensure full compliance with the Palermo Protocol, including the development of comprehensive legislation that is underpinned by a victim-centred, empowerment approach, taking full account of the existing Victims' Charter, as well as relevant South African legislation. The project's specific purposes are: a) contribute to compliance with the Palermo Protocols requirements, b) to increase capacity to deal with trafficking and c) to enhance inter-sectoral coordination and cooperation.

In order for the RSA to achieve the Programme purposes detailed above the following result areas have been identified as key outcomes required:

RESULT 1: DEEPENED KNOWLEDGE AND UNDERSTANDING OF TRAFFICKING

Knowledge and understanding of trafficking are vital in order to develop appropriate responses. All stakeholders emphasised the need for research to assess the full extent of human trafficking in the RSA. This type of research requires innovation and a flexible, appropriate research methodology, focusing predominantly on on-the-ground assessments and investigations. Both qualitative and quantitative research outcomes are required. Moreover, in order to ensure proper coordination of data and capturing by the many inter-sectoral actors concerned a Trafficking Management Information System (TIMS) should be designed for implementation by the South African government. The research will inform all of the other result areas to ensure appropriate targeting and strategies.

RESULT 2: ENHANCING COORDINATED CROSS-SECTOR RESPONSE

Coordination and cross-sector response will be strengthened directly by means of additional resources (personnel, equipment, etc) and special facilities under the management of the National Task Team to develop a coordinated, quality response to human trafficking in RSA and to a more limited extent regionally. It is envisaged that the National Task Team will receive its full mandate shortly and will therefore be in a position to lead interventions toward policy development and the National Action Plan (NAP), in line with the proposed legislation, that form the basis for the coordinated response.

RESULT 3: CAPACITY BUILDING AND TRAINING

Skills, knowledge, capacity-building and training have been identified by **all** stakeholders to the project as being critical and urgent. Given the low level of awareness of human trafficking, its covert nature, the specificities of different functions (i.e. trauma service provider v. border control) in the chain of complimentary actions required to deal with trafficking, it is crucial that accredited training be developed and implemented. Through training and capacity building the identification of trafficking victims will be increased, the quality of investigation will be improved, prosecutions will be more successful and the victims of trafficking will be appropriately serviced.

RESULT 4: PREVENTION, PUBLIC EDUCATION AND AWARENESS

Human trafficking is largely a clandestine activity, conducted away from public scrutiny. For this reason a major public awareness and education campaign needs to be launched, coupled with strategies aimed at preventing the incidence of trafficking with particular targeting of identified vulnerable groups (poor women, children in certain areas, etc.). The strategies designed and outreach will be adapted to the cultural context and will be extended to other countries in the region to prevent trafficking at its source.

The Sexual Offences and Community Affairs (SOCA) Unit of the NPA is the Implementing Agency for Result Areas 1, 2 and 4 while the International Organisation for Migration (IOM) is responsible for the implementation of Result Area 3 (Capacity Building and Training) via a direct Contribution Agreement entered into force between the European Union Commission (EC) and the International Organisation for Migration (IOM) for a total amount of Euro 1,597,000.

Result Area 5 (Evaluation and Audit) – which is the object of the ToR – remains the responsibility of the European Commission. A Programme Steering Committee (PSC) provides strategic direction, while day-to-day implementation is the responsibility of the Programme Coordinating Unit (PCU) based at SOCA.

Technical assistance to ensure compliance with EC requirements and to provide TA with the implementation of the programme is provided through contracts with service providers identified jointly by the project Officer and the PCU.

The programme is being delivered through a project approach modality with a decentralized management. Setting up the implementation structures and systems for the programme has taken considerable time, which delayed the implementation of the programme significantly.

Deliberations took place between the NPA and the EC Delegation in South Africa on the need for dedicated support to counter-trafficking efforts commenced in 2005 and culminated in the signing of a Financing Agreement by the EC Delegation on 21 December 2005 and by the National Treasury on 15 June 2006.

Difficulties were experienced in meeting the technical requirements of the EC which would result in the release of funds for the commencement of the programme and as a result, the Programme Coordinating Unit was only established in January 2008. “A detailed discussion of these challenges is attached hereto marked Annexure 1”

After focused intervention between the Delegation and the National Prosecuting Authority, a National Coordinator and Project Manager were appointed through Programme Estimate 1 (01 December 2007 to 01 July 2008). This period saw an increase in the level of activity on the programme and the contracting and implementation of assignments linked to the various Result Areas. The emphasis was mainly on procurement, the establishment of coordinating structures and communication channels. By the contracting deadline (18 December 2008) a substantial part of the available budget for result based interventions had been committed to a number of service contracts and programme estimates.

Programme Estimates 2 made provision for the implementation of the remainder of the programme (including operational costs linked to the PCU) and the monitoring of

ongoing activities. Programme Estimate 3 is the Closure Cost Estimate and will take effect from the end date of implementation on 1 August 2009 to 31 December 2010.

The Result 4 of the Programme has been recently monitored as part of EC Result Oriented Monitoring (ROM) and was subject to an EC-SA Portfolio review processes convened by the National Treasury during 2008 and 2009. Fieldwork for the first EC commissioned audit of the Programme started in June 2009. The final date for implementation of the Programme is 31 December 2010.

2. Description of the assignment

2.1 Global objective

The overall objective of the Mid-Term Review of the Programme is to provide decision makers in the South African Government and the EU with comprehensive information to make an informed judgment about the overall performance of the Programme according to the five criteria set out by the OECD DAC Network on Development Evaluation: relevance, effectiveness, efficiency, impact and sustainability.

2.2 Specific objective(s)

The specific objectives of the Mid-Term Review of the Programme are:

- Based on the design of the Programme, to assess the efficiency and effectiveness of programme implementation to date;
- To assess the prospects and conditions for successful delivery of the programme log-frame activities and results, and achievement of the programme purpose;
- Provide clear key recommendations on future activities in the sector of prevention of trafficking in persons especially women and children that would benefit from donor support.

2.3 Requested services

The work of the mid-term review team will rely on the following background documents:

- Financing Agreement SA/21.031700-05-06
- Rider N.1 to the Financing Agreement
- Contribution Agreement EC-IOM
- Service contract NPA-ILO
- ToR of the research study HSRC
- ILO baseline study
- HSRC draft research study
- Draft National Action Plan
- Palermo Protocol
- ROM report on result 4 (ILO)
- Programme Estimates 1, 2, 3
- National Task Team Mandate
- Annual and biannual interim reports from NPA, IOM, ILO

- Draft human trafficking curricula (IOM)
- Baseline survey on training needs (IOM)
- Training manual (IOM)

Required services will include:

- 1) A brief assessment of the extent to which the programme remains consistent with, and supportive of, local and regional NPA strategies to tackle human trafficking;
- 2) A thorough assessment of stakeholder participation in the management and implementation of the programme, and the level of ownership at institutional level;
- 3) A critical assessment of programme performance with respect to efficiency (input delivery, cost control and activity management) and effectiveness (actual and potential delivery of outputs and progress towards achieving the purpose);
- 4) A thorough assessment of programme management and coordination arrangements, and the extent to which timely and appropriate decisions are being made to support effective implementation and problem resolution;
- 5) A thorough assessment of the quality of operational work planning, budgeting and risk management;
- 6) A brief assessment of the quality of information management and reporting, and the extent to which key stakeholders are kept adequately informed of programme activities (including target groups and beneficiaries);
- 7) An assessment of the effectiveness and successfulness of aligning the outcomes and activities of the programme with other EU/Government/donors funded programmes;
- 8) An initial assessment of the prospects for sustainability of benefits;
- 9) If deemed necessary, to provide recommendations for modification of programme implementation scope in order to support effective implementation and the achievement of the programme purpose.
- 10) Provide key recommendations on future activities in the sector of human trafficking improvement and reform that would benefit from donor support.

2.4 Required outputs

The following outputs are required:

- Inception Report, detailing the organisation and methodology to be adopted for the assignment;
- Debriefing Report, indicating the critical findings with respect to the assessments undertaken, and the corresponding recommendations;
- Draft Final Report, documenting all aspects of the review; and
- Final Report, incorporating comments on Draft Final Report.

3. Experts profile

A team of two experts is required:

- Expert 1 (Team Leader – Senior Expert): this expert will have an education equivalent to a Masters Degree, or 3 years specific experience in one of the fields indicated below, in addition to at least ten (10) years of professional experience relevant to the assignment.
- Expert 2 (Junior Expert): this expert will have an education equivalent to a Masters Degree, or 3 years specific experience in one of the fields indicated below, in addition to at least three (3) years professional experience relevant to the assignment.

Collectively, the team of experts should demonstrate the following:

- Extensive knowledge and experience of EC projects implementation by means of the project delivery modality;
- Sound knowledge and experience of conducting reviews and evaluations of EC funded projects;
- Qualifications and Experience in Development Studies, Law, and Social Sciences disciplines, including (but not limited to programme sustainability, stakeholder coordination, high level communication, public education and awareness and capacity building.) A qualification in Monitoring and Evaluation would be an additional recommendation
- Extensive knowledge and practical experience of developing and implementing comprehensive policies and strategies in the areas of multi-sectoral development initiatives and of women's justice empowerment/ Gender Justice ,initiatives preferably in the Southern African region;
- Sound knowledge and experience of the legal and social sector in Southern Africa will be advantageous.

Both experts should be fluent in spoken and written English, and should have excellent technical writing skills.

The Framework Contractor must ensure that the experts have adequate administrative support, so that their time and expertise can be used optimally for achieving the objectives of the assignment.

4. Location and duration

The assignment has to be executed during a period of 6 weeks, indicatively between the 1/04/2010 and the 30/05/2010.

Both experts will be expected to work full-time during the first four weeks (of 20 working days each), while the receipt and incorporation of comments on the Draft Final Report will occur during the last two weeks. A total of 32 working days have been made provided for each of the experts (a total of 44 calendar days). Experts may work from their home base after the debriefing report if preferred.

A mobilisation and briefing meeting will be held in Pretoria. The date will be confirmed once the contract has been awarded.

The assignment will be executed mainly in Pretoria, South Africa, where the EU Delegation to South Africa and the National prosecuting Authority Human Trafficking PCU are based.

Additional travel is foreseen to three of the provinces that are being supported through the programme, namely Mpumalanga, and the Kwazulu-Natal and Limpopo Provinces. The visit will include (but not limited to) key interviews with PSC members, Civil Society, Consultative Forum and National Task Team representatives

For the purpose of this contract, experts have the permission to work during weekends and public holidays, as required for delivering the requested services.

The contractor will cover the travel costs and subsistence allowance of the consultants from the overall budget value. The budget should make provision for:

- International travel depending on the home base of the experts proposed;
- Per diems;
- Local travel (inter-city travel).

The maximum budget available for this assignment is € 85.000.

5. Reporting

All reports as indicated in Section 2.4 of this ToR should be presented in an agreed format. The Inception Report should be between 8 and 10 pages, excluding annexes. The Debriefing Report should not exceed 15 pages, excluding annexes. The Draft Final and Final Reports should be a maximum of 30 pages, excluding annexes. All reports should be drafted in English, and prepared with MS Office software. Each report should be presented to the parties involved.

The indicative time schedule for the delivery of and comment on the outputs indicated in Section 2.4 is as follows:

Report	Delivery & presentation date	Date for comments
Inception Report	7/04/2010	10/04/2010
Debriefing Report	7/05/2010	10/05/2010
Draft Final Report	15/05/2010	20/05/2010
Final Report	25/05/2010	30/05/2010

Once the Task Manager has indicated by e-mail which version of a particular report is acceptable, 5 hard copies and an electronic version of the final version have to be submitted to him/her.

The following information should be noted on the final reporting:

FINAL REPORT	
Title	Mid-Term Review of the Programme of Assistance to the South African government to prevent and react to human trafficking.
Language	English
Date of delivery	10/06/2010
Recipient	EU Delegation in Pretoria
Responsible	Stefano VARRIALE – Stefano.varriale@ec.europa.eu
Copies to submit	Inception Report: electronic copy Debriefing document: electronic copy Final report: 5 hard copies + electronic copy

6. Administrative information

6.1 This contract will be a global price contract.

6.2 Conflict of interest: no contractor or expert who is currently involved in the delivery of activities with respect to the Programme will be considered for this assignment.