

Section 4, Annex A

Call-down Contract

Terms of Reference

INTRODUCTION

- 1) The DFID South Sudan (DFIDSS) Operational Plan sets out our vision and strategy for 2011-2015. Our aim is a peaceful and stable South Sudan. DFID is also determined to ensure that UK aid reaches the people who need it the most. Following the outbreak of conflict in December 2013, DFIDSS initiated a reassessment of its strategic objectives and a review of the practical ability of existing programmes to deliver in the new environment. This process informed DFIDSS' 12-month Interim Strategy to March 2015, which aims to respond to the human impact of the crisis and safeguard the most vulnerable, through increased humanitarian programming and continued support for basic services, including security and justice.
- 2) DFIDSS is also focused on helping South Sudan develop in ways which empower poor people, particularly girls and women, to realise their rights and freedom. In the aftermath of the conflict, DFIDSS is increasing its focus on service delivery at the community level, with specific priority given to protection, promoting human rights and tackling gender-based violence.
- 3) The Access to Justice Programme's (ATJP's) **Impact** will be:
"Stronger foundations for sustainable peace in South Sudan"
- 4) The **Outcome** will be:
"Poor and vulnerable groups targeted by the programme feel that their justice and dispute resolution needs are being met"

Through ATJP, DFID expects to achieve the following results:

- changes in attitudes, behaviours and practices towards justice service delivery;
 - increased access to justice for vulnerable citizens; more effective responses to gender-based violence (GBV);
 - greater human rights awareness amongst citizens; increasing dialogue and actions by state and non-state entities; and
 - communities gradually more equipped to resolve disputes and conflicts without violence.
- 5) The Programme will need to be technically robust, with a strong evidence base, drawing on the experiences of interventions which have delivered good results in South Sudan, and (as appropriate) in the region and more broadly. ATJP will need to apply the principles of 'do no harm' through inception and implementation. This includes effective use of political economy analysis; the need to be politically/culturally sensitive and flexible in view of the unpredictability of the operating environment and; increased risk in terms of operating at the state/community level.

OBJECTIVE

6. The SP will conduct a phased impact evaluation at key strategic points of the programme (see paragraph 8 below), to assess the extent to which improving access to justice for women and girls impacts on Violence Against Women and Girls (VAWG) and, to ensure that the evidence is used to inform the DFID decision leading to and through the roll-out stage of the programme.

RECIPIENT

7. The recipient of the services is DFID South Sudan.

SCOPE OF WORK

8. This evaluation will adopt a staggered approach, with clear timelines to be set for the SP's engagement and outputs between the inception, implementation, roll-out phases of ATJP as well as its completion . **It is anticipated that up to five visits would be required by the SP to South Sudan over a five-year period.** This would include an initial familiarisation/ baseline set-up visit as well as another three impact evaluation surveys to coincide with the strategic points of ATJP mentioned above.
9. The evaluation is prospective in type and is expected to have a formative stage towards the end of the pilot phase of ATJP, with the objective being to help test the effectiveness of the programme by comparing a treatment group that has benefited from the programme, to a comparison group that did not. Evidence gathered from this exercise will help inform the roll-out phase of ATJP. The summative evaluation will be carried out in the final year of the programme.
10. The evaluation will focus mainly on the extent to which improving access to justice for women and girls will impact on VAWG in a population of about 3.4 million people in up to 24 counties in 5 states being served by ATJP.

JUSTIFICATION

11. This evaluation is strategically relevant in that it will help inform any decision on whether or not to expand ATJP to a roll-out phase to cover a larger number of people. Given the inadequacies in the availability of evidence about the potential of the programme, there is a need to start out with a pilot that incorporates an impact evaluation. It's further hoped that once impact evaluation results are available, they can be combined with information on programme costs to provide information on cost-benefit analysis, i.e. the total expected benefits of the programme compared to its total expected costs.

THEORY OF CHANGE

12. The evaluation will be guided by the theories of change explained below. A diagrammatic description of the theory is attached at Annex 1.

Theories of change at the output level

- i) **Theory 1.** If poor and vulnerable individuals have access to an increased range of options for seeking justice and resolving disputes, including for example legal advice and assistance, mediation services and mobile courts, they will feel their needs in this area are better met.
- ii) **Theory 2.** If issues around human rights are promoted at different levels, and public legal awareness enhanced then the government, and other political actors, can be better held to account for upholding rights and working within the law. This in turn improves public perceptions of power holders' commitment to the rule of law, which is in itself an important element of individuals feeling that their justice needs are met.
- iii) **Theory 3.** If community-driven conflict management and resolution mechanisms are effectively supported to become more robust, then people will have more confidence in these and become less likely to turn to violence as a means of redress.

Theory of change at the outcome level

- i) If people feel their justice and dispute resolution needs are being met, both from an individual perspective and when considering wider community level conflict, then communities are more likely to be peaceful and the foundations for wider peace at the country level are enhanced.

ATJP AND VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)

13. ATJP aims to reduce violence against women and girls. The programme will do this by focusing interventions where appropriate on women and girl beneficiaries. Each of the three indicative outputs described above can contribute to a reduction in violence against women and girls. The theories underpinning this are as follows:

- i) **Theory 1:** If women and girls have different options for seeking justice for SGBV, they are more likely to report it, the culture of silence on the issue is broken, and momentum behind the societal change necessary to stem it is enhanced.
- ii) **Theory 2:** If eradicating violence against women is properly recognised by government and other political actors as a fundamental human rights challenge, the government is more likely to take firm and appropriate action on the issue.
- iii) **Theory 3:** If the participation of women and girls in community peacebuilding work increases the outcomes of these initiatives are more likely to reflect their needs and have the required focus on SGBV.

Hypotheses

14. The evaluation will test hypotheses around the following criteria, which are in line with the OECD-DAC evaluation criteria, and with DFID's policy on evaluation. The hypotheses draws on the theory of change described above.

Effectiveness

15. If women and girls have different options for seeking justice for sexual and gender-based violence (SGBV), they are more likely to report it, the culture of silence on the issue is broken, and momentum behind the societal change necessary to stem it is enhanced.
16. If the participation of women and girls in community peacebuilding work increases, the outcomes of these initiatives are more likely to reflect their needs and have the required focus on SGBV.

Sustainability

17. If eradicating violence against women is properly recognised by government and other political actors as a fundamental human rights challenge, the government is more likely to take firm and appropriate action on the issue.

18. In addition to the above, the programme also makes a number of assumptions including:

- That in the current context, justice at the community level is not politicised to the point where interventions risk escalating conflict.
- That the supply side of justice provision, where required, has the capacity to respond (including, for example, the Judiciary providing and managing the resources necessary to delivery mobile courts).
- That government (the Human Rights Commission, for example) has both the willingness and capacity to engage on these issues and scale up operations where necessary.
- Communities and vulnerable groups affected by the conflict are willing to engage with the programme

- That the programme can work within and help develop pockets of stability, either in areas relatively unscathed by the conflict or within Internally displaced people's (IDP) camps¹.

19. These hypotheses will be tested in relation to a series of outcomes which are proposed as follows. More detail (including suggested indicators) is provided in the Monitoring & Evaluation Framework attached at Annex 2. Outcomes evaluated will be linked to the logical framework of the programme, and should be agreed in advance with the programme implementer and the steering committee. Again, the SP will be expected to comment on these at this stage and propose any necessary revisions:

- All data should be disaggregated, in particular by gender and age. Poverty measures should also be included through proxy indicators such as education, household assets, household food security, and household monthly expenditures.
- The evaluation should refer specifically to the effectiveness of the intervention in addressing barriers to different options for seeking justice for Gender Based Violence for women and girls, and to the particular impact of the intervention upon these groups.
- The evaluation should identify any **unintended outcomes** of the intervention for access to justice institutions/facilities, their users, Government of South Sudan or development partners. These may include (but will not be limited to):
 - Reduced utilisation of services in non-DFID supported institutions or areas;
 - Reduction in time for litigants due to increased administrative pressures.

20. The final list of evaluation criteria, outcomes and indicators will be agreed by the steering committee of the programme and the programme implementing agent as part of the inception report prior to the baseline survey moving ahead.

Existing information sources

21. The SP should identify existing relevant evaluations/information sources related to access to justice approaches in the justice sector in South Sudan and comment on their implications for this study.

METHODOLOGY

22. The evaluation should be carried out as per agreed approach and any changes to this should be given prior approval from DFID.

23. The methodology should be appropriate to the purpose and rigorous in its approach with justifications of the selection of preferred methods based on available literature, previous studies, and a clear conceptual foundation. The qualitative methods in particular should have a strong conceptual basis to ensure that robust and credible results emerge and should include but not necessarily be limited to focus group discussions, biographies and key informant interviews.

24. The SP should review and take into account analysis in the attached Monitoring & Evaluation Framework at Annex 2, and address the following issues:

¹ Evidence from IDP camps in Northern Uganda that significant progress was made in area of women's rights within micro environment of camp setting, while conflict continued outside.

- a) The evaluation should be able to show that observed changes in accessing justice services, quality and affordability would not have happened in the absence of the intervention.
- b) The SP will have to define the units that are eligible for the programme. This population of eligible units must consist of those for which we are interested in knowing the impact of the programme. A valid comparison group with the same characteristics as the group of participants in the programme (the treatment group) must be selected. In this case, the comparison group should be population in states not benefiting from the programme. The SP will have to comment on the validity of the comparison group in order to prevent biases in the estimate of the impact of the programme.
- c) Intention to Treat (ITT) is the recommended type of estimate to be employed in determining the units for the evaluation. The reason for this is that the impact of the programme is expected to be both direct and indirect, regardless of whether or not the units have actually enrolled in it so long as they fall within the target population of the programme. Again, the SP will have to comment on this suggested type of estimate.
- d) Treatment and comparison groups should be far isolated from each other in order to minimise on spill overs.

25. The sample should cover the entire five states supported by the programme. Sample attrition and population turnover should be monitored closely. The sample size should be sufficiently large to enable comparisons between major variations in the effectiveness of interventions.

26. It is expected that four evaluation surveys will be conducted over a five-year period to coincide with strategic points of ATJP; which will include an initial baseline survey as well as another three impact evaluation surveys to coincide with the strategic points of ATJP mentioned above (paragraph 8). The bid proposal should outline how these surveys will be co-ordinated with the inception, pilot and roll-out of the programme, and how frequently each of the proposed indicators should be measured. Details will be developed by the SP as part of the inception report.

27. It is envisaged that qualitative methods will be used in addition to quantitative methods. This should include case studies and semi-structured interviews (which should be used to verify courts' records) and focus group discussion (FGDs). The FGDs will be particularly useful in generating information on lesson-learning through seeking the views of individuals, justice service providers and local leaders on the impact of the policy change. The SP should work with the programme implementing entity to ensure that the roll-out of the programme supports the evaluation methodology, particularly in deciding which area will be included in the treatment and comparison groups.

28. In addition, the SP should consider how best to address the following issues in their design proposal:

- i. How best to ensure a **participatory approach** is taken to the design and implementation of the evaluation. The SP should comment on how they will ensure that this approach incorporates women and girls and other vulnerable groups.

- ii. How to control for **contagion between outputs** of the intervention. For example, the effects of national advocacy efforts under Output 2 may feed back into the operations of justice services in the programme areas, affecting the way in which outputs 1 and 3 are utilised.
- iii. How to assess the **merits of alternative explanations** for the outcomes that are observed, other than the expected influence of the DFID funded intervention. It should take account of the outcomes and impacts of parallel interventions in (and neighbouring) the programme areas.
- iv. How best to distinguish between “**theory failure**” and “**implementation failure**”. The project may have failed because of faulty beliefs about causal linkages in the design document, but still have been implemented competently. Or the basic design idea may have been sound, but implementation difficult in practice. These differences have implications for relevant policy advocacy efforts.

LOGISTICS AND PROCEDURES

- 29. The SP will be expected to supply their own logistic requirements including office space and transport.
- 30. The SP is expected to undertake the evaluation independently, recruiting its own staff for survey design, data collection and analysis, and report production. It will be expected that the same SP will be retained throughout the project period, subject to satisfactory completion of each set of deliverables (see paragraph 33 below), to ensure consistency of survey execution and to build on historical knowledge. The SP should comment on how independence can be maintained from the programme implementing entity, given the need for a very close working relationship through the life of this evaluation.
- 31. The evaluation will be published in full by the SP.
- 32. It is expected that the evaluation should conform to OECD-DAC principles of accuracy and credibility, and to the evaluation principles set out in the UK’s 2009 policy on evaluation for international development. The SP should set out how they will ensure the study is ethically sound and with which relevant ethical protocols it will comply.

OUTPUTS/ DELIVERABLES

- 33. Outputs are expected to include:
 - i) by the end of month 1: An inception report and work plan including study design with the monitoring and evaluation (M&E) logical framework, sampling frame, power calculations, draft tools, and proposed analytical methods;
 - ii) by month 3: A finalised design of the evaluation and its process, including the development of survey instruments that have been field-tested;
 - iii) A baseline survey report within 2 months of the finalisation of the evaluation survey in each state;
 - iv) by month 5: A publication and dissemination strategy for the whole evaluation;
 - v) quarterly progress reports to DFID;
 - vi) within 6 weeks after each phase of ATJP has been completed (the inception, pilot and roll-out phases), production of a series of evaluation reports at each key strategic point (phase) of the programme using quantitative and qualitative methods of assessment;
 - vii) analytical reports on specific issues; these will be agreed during the inception phase and set out in the finalised work plan.

viii) an ex-post assessment within 3 months of the end of the impact evaluation.

REQUIRED KNOWLEDGE, SKILLS AND EXPERIENCE/ TEAM COMPOSITION

34. The service providers will be a research organisation or consortium of organisations. The study will require an experienced, multidisciplinary research team. Any bid should clearly articulate Applicants skills and experience in the following areas:

- a) Established and credible body of work on gender and violence against women;
- b) Demonstrated best practice in impact evaluation, preferably of interventions to reduce incidence of VAWG in developing country environments;
- c) Proven record of field implementation of large, long term and complex research and evaluation projects;
- d) Experience of working with and advising government in sub-Saharan Africa, preferably fragile/conflict affected state.

35. The Lead Researchers will be highly qualified in relevant fields and have extensive years of experience in undertaking similar types of research and impact evaluations.

36. Field researchers will have equally high level qualifications relevant to the proposed research, with extensive experience of delivering fieldwork in sub-Saharan Africa and particularly in fragile states.

37. The Team Leader should have extensive experience in gender and social research, with a credible range of peer reviewed publications. In addition s/he should have proven experience of managing people and large projects from design to implementation with proven success, demonstrated leadership and client relationship skills; and good demonstrable networks with stakeholders including government, donors, researchers, and civil society, ideally in sub-Saharan Africa.

38. The Research Team Leader will be the main contact point with DFID for the entire duration of the study. S/he will also be responsible for direction of the research approach, ensuring an effective multi-disciplinary analysis and timely delivery of each stage of the study. The Team Leader will also be responsible for alerting DFID to any problems during the study and recommending how best they can be addressed.

39. Key staff approved for this assignment as part of the successful bid will be named in the contract. Replacement of any key personnel during the assignment must be of the same calibre and quality as the personnel they replace, with all CV's submitted to DFID for approval in advance of these replacements joining the evaluation team.

TIME FRAME / CONTRACT MANAGEMENT

40. The duration of the contract is expected to be from May/June 2015 to November 2020. The evaluation will not be continuous but will rather adopt a staggered approach and will have two parts: phase I is expected to take no more than 9 months, followed by the research roll out and scale-up period (phases II and III) for a period of 24 and 27 months respectively. Exact timings for these outputs will be coordinated with the programme implementer.

41. There will be a break clause at the end of phase I when the deliverable(s) of this phase will be reviewed, and approval on the research framework and budget approvals will be provided. The contract will then be reviewed at the end of the phase I and subsequently at half yearly intervals. Continuation of the contract after each review point will be subject to the satisfactory performance of the SP during the preceding period.
42. There may be scope to extend this contract by up to a further 12 months: this will be determined by DFID and discussed and agreed as appropriate with the SP. DFID must be satisfied with the performance of the SP before any agreement would be given to proceed with an extension of the SP's contract. DFID as the contracting party also reserves the right to terminate the contract should the SP fail to satisfactorily perform against these ToRs within the duration of the assignment.

Risk

43. South Sudan is a fragile State affected by on-going conflict, and there are significant risks associated with continuation of ATJP in such an unpredictable and volatile environment. Should conflict escalate and force a review by DFID of whether or not to continue with ATJP, clause 31 of the DFID Global Evaluation Framework Agreement (FA) contract PO 5859 Terms & Conditions (under which this tender is being carried out) includes a force majeure which allows for DFID's suspension or termination of the FA and/or any Call Down Contract by notifying the Supplier in writing and giving the reason(s) for such suspension or termination. In such instances as outlined in the FA clause, DFID can consider reimbursing agreed costs necessarily incurred by the SP – providing that their work has been carried out satisfactorily up to the point of termination.

DUTY OF CARE

44. As part of its Duty of Care Policy, DFIDSS has assessed the country and project risks in order to allow Service Providers (SPs) to take reasonable steps to mitigate those risks during the duration of the contract. Below is the key for attributing overall scoring.

1 Very Low risk	2 Low risk	3 Med risk	4 High risk	5 Very High risk
Low		Medium	High Risk	

45. A matrix showing the latest risk scores for South Sudan as at January 2015 is set out below. These continue to remain valid at the time of these ToRs being developed:

Project: Consultancy for the design of a Multi-Donor Conflict Sensitivity Resource Centre

Country: South Sudan

Date of Assessment: 30 January 2015

Assessing Official:

THEME	DFID RISK SCORE: JUBA	DFID RISK SCORE: OTHER PARTS OF SOUTH SUDAN
FCO travel advice ²	4	4
Host nation travel advice	Not available	Not available
Transportation	3	4
Security	4	4

² Please visit the Foreign and Commonwealth Office (FCO) travel website for South Sudan: http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/sub-saharan-africa/south_sudan.

THEME	DFID RISK SCORE: JUBA	DFID RISK SCORE: OTHER PARTS OF SOUTH SUDAN
Civil unrest	3	3
Espionage	3	3
Violence/crime	4	4
Terrorism	2	2
War	3	3
Hurricane	0	0
Earthquake	2	2
Flood	0	3 ³
Medical Services	3	4
Nature of Project/ Intervention	3	3
OVERALL RATING	4	4

South Sudan has been assessed as '4', which is medium to high risk. Travellers and Suppliers should consult FCO travel advice and DFID South Sudan for the latest identification of high risk areas.

46. The SP will be responsible for the safety and well-being of their Personnel whilst they are in South Sudan (as defined in the Contract Terms of the Contract) and Third Parties affected by their activities under this Contract, including having appropriate security arrangements in place. Acceptance of responsibility must be supported with evidence of capability (no more than [2] A4 pages) and DFID reserves the right to clarify any aspect of this evidence. In providing this evidence Tenderers should consider the following questions:

- i. Have you completed an initial assessment of potential risks that demonstrates your knowledge and understanding, and are you satisfied that you understand the risk management implications (not solely relying on information provided by DFID)?
- ii. Have you prepared an outline plan that you consider appropriate to manage these risks at this stage (or will you do so if you are awarded the contract) and are you confident/comfortable that you can implement this effectively?
- iii. Have you ensured or will you ensure that your staff are appropriately trained (including specialist training where required) before they are deployed and will you ensure that on-going training is provided where necessary?
- iv. Have you an appropriate mechanism in place to monitor risk on a live / on-going basis (or will you put one in place if you are awarded the contract)?
- v. Have you ensured or will you ensure that your staff are provided with and have access to suitable equipment and will you ensure that this is reviewed and provided on an on-going basis?
- vi. Have you appropriate systems in place to manage an emergency / incident if one arises?

47. The SP will also be responsible for the provision of suitable security arrangements for their domestic and business property in-country; for ensuring appropriate on-going safety and security briefings for all of their

³ Flooding does occur during the rainy season between August and November in the North and North-Eastern States of Warrap, Lakes, Unity, Jonglei and Upper Nile.

Personnel working under this Contract, and; ensuring that their Personnel register with the British Embassy as outlined above. Up to date travel advice is available from the Foreign and Commonwealth Office (FCO) website for South Sudan:

48. Travel to many zones in South Sudan is subject to daily travel clearance from the UN office in advance. DFID also will share where available, information with the SP on the security status and developments in-country where appropriate. The SP must ensure that their Personnel receive the required level of training on safety in the field prior to deployment to South Sudan.
49. The country also sits in a seismically active zone, and is considered vulnerable to minor tremors from earthquakes. These are unpredictable and can potentially result in devastation due to the fact that most buildings have been poorly constructed. There are several websites focusing on earthquakes to which the SP can refer, including <http://geology.about.com/library/bl/maps/blworldindex.htm>.
50. The SP should be comfortable working in all such environments described above and must be capable of deploying to any areas required within the country in order to deliver on the terms of reference for the Contract.

BACKGROUND

Context

51. The UK has approved £10 million over 5 years (2015 – 2020) to support the design, inception, piloting and rollout of the Access to Justice Programme (ATJP) in South Sudan, aimed at responding (as appropriate) to the justice needs of citizens, including immediate post conflict priorities. This is a new sector for HMG in South Sudan.⁴ The operating environment is increasingly volatile and many citizens are deeply traumatised by the conflict. Activities will be varied and innovative, requiring careful testing before rollout across a diverse range of communities to avoid doing harm. The programme recognises that now is the time to act in addressing the needs of girls and women, particularly the increase in sexual and gender-based violence (SGBV), which escalated significantly during the conflict. ATJP will help to facilitate a more constructive and inclusive engagement on human rights, where South Sudan's performance has deteriorated significantly. It will also facilitate citizen engagement in peace-building and national reconciliation processes with the aim of fostering community cohesion. The programme will also underpin the broader humanitarian effort by responding specifically to justice needs of Internally Displaced Persons (IDPs), who currently represent approximately 13% of the population⁵ (see paragraph 54 below). ATJP will be opportunistic in approach, establishing and delivering through a range of state and non-state partnerships to support the potential for a sustainable outcome.
52. The Design Phase of the programme ended in October 2013, but submission to Ministers for approval was halted by the outbreak of conflict in December 2013. Subsequently, the design was revised to support crisis management, in line with DFID South Sudan's Interim Strategy to March 2015. The contracting process for the implementing agent of ATJP is in its final stages, and it is hoped that the process can be concluded for a start-date of April 2015.
53. The **impact** of ATJP is a stronger foundation for sustainable peace in South Sudan. The **outcome** is poor and vulnerable groups targeted by the programme feel that their justice and dispute resolutions needs are being met. The programme comprises three **outputs**, namely:
- i) Vulnerable victims, particularly girls and women supported in accessing justice;
 - ii) Dialogue and actions to improve oversight and accountability on human rights promoted;
 - iii) Targeted communities empowered to manage and mitigate disputes and low level conflicts without violence.

⁴ Previous support (2006-2012) was channelled through UNDP's Rule of Law Programme

⁵ Population of South Sudan - 11.3 million (World Bank, 2013)

54. ATJP responds to DFID South Sudan's Operational Plan Results Offer of access to justice for 250,000 girls and women by March 2015. The conflict has postponed ATJP's Inception Phase by 1 year reducing its ability to meet this target, but the redesigned programme has the potential to triple this figure by 2020.

South Sudan

55. As a newly independent state, South Sudan is at a very early stage of state-building and nation building. There are a myriad of historical and current unresolved grievances and tribal tensions limiting the prospect of an inclusive political settlement. With over 65 ethnic groups with different identities and cultures, managing inter-tribal tensions will remain an on-going challenge for the Government and people of South Sudan for years to come. The post-independence political settlement consisting of largely Dinka dominated government structures has increased marginalisation and exclusion of others from resources, power and decision-making; further fuelling tensions and conflicts across tribal lines.
56. South Sudan has a high propensity to violent conflict, illustrated historically, and by the politically driven ethnic clashes which started on 15 December 2013 and which continues to the present. The exact number killed during the conflict remains unknown, however it is estimated that at least 50,000⁶ persons countrywide have been killed as a result of the fighting. An estimated 1.5 million⁷ people have been internally displaced (internally displaced person - IDPs), including over 100,000 who have taken refuge in eight UNMISS bases in areas designated as "Protection of Civilians" (PoC) sites, as well as another 504,039⁸ who have fled to neighbouring Sudan, Ethiopia, Kenya and Uganda.
57. Gender Based Violence (GBV) is prevalent in South Sudan and the recent crisis has made the situation worse. Violence in the form of rape, sexual assault, physical abuse, forced marriages and psychological abuses have been experienced by mainly women and children. Quantitative data on the nature of violence against women and girls remains limited. The South Sudan Health Survey (2010) estimates that one in every five women has experienced GBV. It also notes a high tolerance of such abuse with 79% of respondents expressing that a man is justified to beat his wife. Such a belief inevitably means most cases of abuses go unreported. GBV is under-reported in all contexts, both in emergency and non-emergency situations. The UN Mission in South Sudan (UNMISS) Human Rights Report, published on 8 May 2014 on the recent conflict provided evidence that all parties to the conflict have committed rape and other forms of sexual violence against women. Credible information suggests that sexual violence took place in connection with the occurrence with human rights and human rights law violations.⁹
58. State capacity is weak at both national and sub-national levels due to low government investment, weak human capacity and nascent institutions and infrastructure. These limitations constrain the ability of Government to deliver essential services to the population, many of whom are becoming increasingly reliant on humanitarian assistance.
59. With the exception of some small-scale donor funded interventions in a few areas, there are at present very limited justice and dispute resolution services at the community level for poor and vulnerable people. The Netherlands are funding an Access to Justice and Rule of Law Project implemented through UNDP; The EU is also funding Access to Justice project which will mainly focus on customary justice. These interventions are likely to be scattered across different states of South Sudan leaving much of the population still with inadequate access to justice services.

Access to Justice Programme (ATJP)

⁶ International Crisis Group Report: Sudan & South Sudan's Merging Conflicts, 29 January 2015.

⁷ OCHA South Sudan Situation Update No. 74 as at 13 February 2015.

⁸ See previous footnote.

⁹ UNMISS, *Conflict in South Sudan: A Human Rights Report* (Juba: UNMISS, 2014).

<<http://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>> [accessed May 2014]

60. ATJP is expected to provide a substantial proportion of justice services for over 160,000 households (1.2 million people) in South Sudan by 2020. It will also promote gender equality, legal empowerment; awareness about human rights and rule of law and strengthen community cohesion. Importantly, there will be a strong focus on tackling gender-based violence at all levels.

Expected Benefits

61. It is currently anticipated that with the available funding, ATJP community level interventions can reach up to 24 counties in up to 5 states. This would encompass a population of approximately 3.4 million people. The benefits realised by the attainment of the programme outcome are numerous. People feeling that their justice and dispute resolution needs are being met means that they are benefiting either from receiving a better service (achieving a better result), or receiving the same service for lower cost, or both. For each intervention it is assumed that there will be both beneficiaries who directly benefit, and a wider population reached by the programme that don't receive direct benefits (for example, a mobile court might deliver a specific benefit to litigants in a rural area, but also reach an additional audience of community members who learn from witnessing court proceedings).

62. It is not possible to quantify or monetize benefits with any accuracy at this stage given uncertainties about the final design and mix of interventions. However, based on estimates generated from experience of delivering similar interventions in other countries on the basis of the budget available the programme is expected to reach over 160,000 households, or 1.2 million people. In addition it is estimated that over 40,000 households, or in excess of 300,000 people, will receive tangible benefits as a result of ATJP realising its outcomes.

63. Different approaches of implementing ATJP were considered when designing the programme. The design study has recommended the ATJP is to be delivered through a combined private sector and public sector effort, with strong political and technical underpinning from the British Embassy. ATJP will also collaborate closely and partner where possible with UNDP and the EU to optimise synergy, complementarity, alignment and value for money.

ATJP Governance Arrangements

64. The implementer for ATJP is currently being contracted by DFID. The Service Provider (SP) will be required to work closely with both DFID South Sudan and the implementer throughout the life of the programme, including agreeing evaluation design, hypotheses for testing, outcomes of concern, appropriate indicators and a dissemination strategy.

65. A steering committee (SC) will be formed at the outset of the programme which will provide guidance on the evaluation strategy and oversight of its implementation. The SC will meet on a monthly basis during the Inception Phase to make policy/strategic decisions about the direction of the programme based on the delivery of specific milestones in the six monthly work plan, linked to log frame indicators and targets.

66. The Implementer's Programme Management Team will meet with the DFID Programme Team on a monthly basis to discuss programme management and administration in relation to contractual responsibilities. In addition to routine contract management, this mechanism also needs to cover regular reviews of the M&E Strategy; Risk Matrix, Due Diligence and an Asset Register.

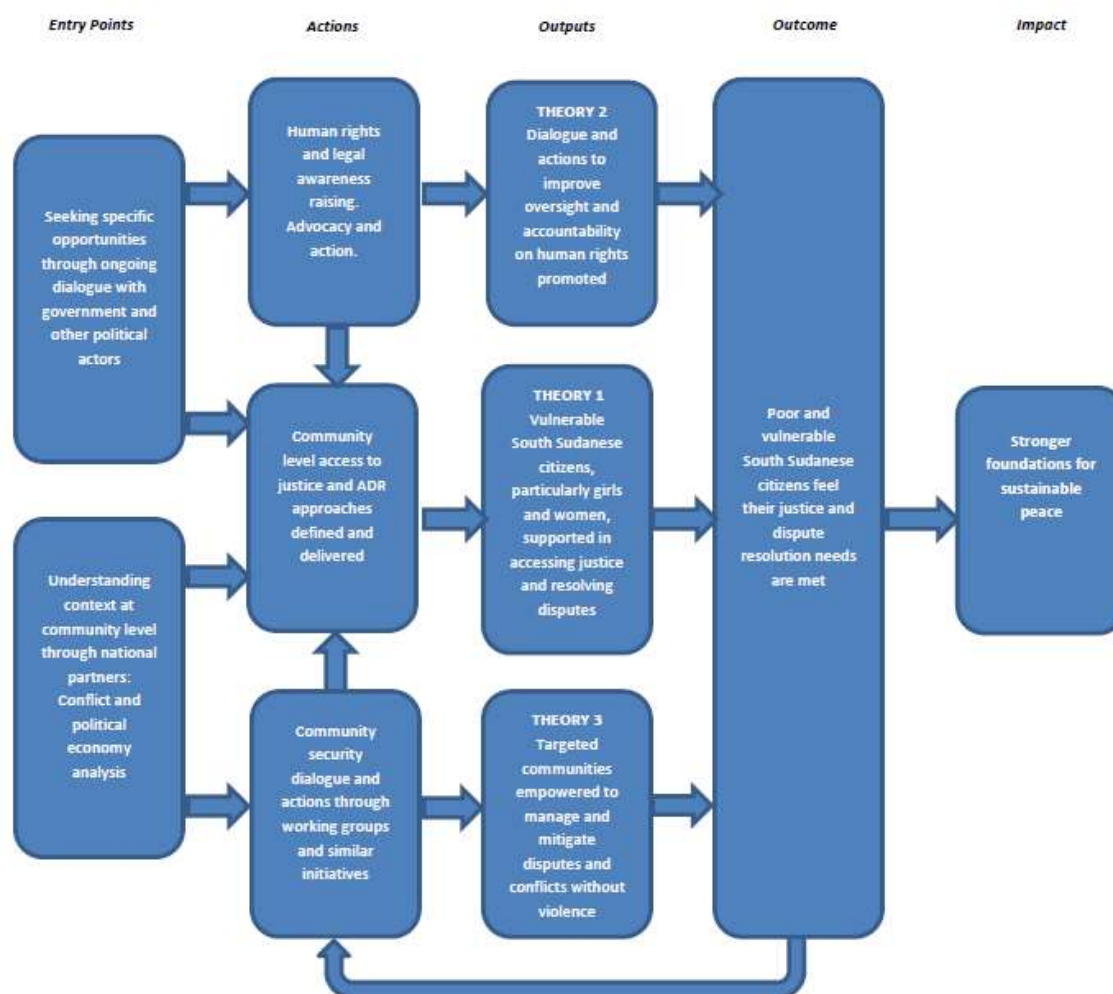
Annexes

- Annex 1 - Theory of Change for ATJP
- Annex 2 - Monitoring & Evaluation Logical Framework: South Sudan Access to Justice Programme.

The SP will also be provided with the following documents:

- Access to Justice Programme: Business Case
- Editorial requirements for consultants preparing evaluation reports for DFID
- Ethics principles for evaluation and research

Theory of Change for Access to Justice Programme



CB129 (February 2007)