



CALL FOR TENDER

AVOCATS SANS FRONTIERES IS LOOKING FOR A: Bilingual (French/English) consultant to carry out two external evaluations for DGD Funded projects in Burundi and Uganda

Status: Consultant (Option to work remotely)

Deliverable: due by January 30th 2022

Closing of applications: November 22nd 2021

Effective start date: November 29th 2021

1. Avocats Sans Frontières

Created in 1992, Avocats Sans Frontières (ASF) is an international NGO specializing in the defense of human rights and support for justice. ASF has field offices in Burundi, Chad, Central African Republic, Indonesia, Morocco, Central African Republic, DRC, Tunisia, and Uganda. Website: www.asf.be

2. Part I: Uganda

2.1 Context

In the last two decades, Uganda has witnessed an unprecedented increase in foreign direct investment and actual economic activity by both multinational corporations and local business enterprises in its economy. Alongside the infrastructure sector, foreign investment primarily targets the country's natural resources through the development of industrial farms, the exploration of oil deposits and the upscaling of processing, mining and tourism industries. While these trends present opportunities for development, they raise the question of the latter's sustainability, as they also carry potential harmful impacts on individuals, communities and the environment. Corporations' activities have proved a fertile ground for human rights violations and abuses, including child labor, gender-based violence, fraudulent compulsory land acquisition, environmental degradation, workers' rights violations and land grabbing. In a context of widespread corruption, the investment in natural resources also fuels predatory behaviors, often with the involvement of State agents. Research has shown that the development of extractive industries produces a gender-differentiated impact, whereby women tend to bear the bulk of negative consequences while economic opportunities are more accessible to men.

In spite of its obligation to protect the rights of its population, **the Government** is reluctant to adopt policies and legal frameworks that would frame corporate responsibility, in line with the 2011 UN Guiding Principles on Business & Human Rights. In acts and words, the GoU adopts a protective behaviour towards international private investors that exempts them from their duties towards human rights. Private actors receive very few incentives to give effect to their due diligence obligations, including the obligation to prevent and mitigate negative impacts on human rights caused by their activities, as well as to provide remedy for resulting harm. Where legal and policy frameworks exist, the governance structures often prove too weak to implement them. In a wider context of shrinking civic space, the GoU stigmatizes the promotion of human rights as a means to undermine the speedy development of the industries, and thus the production of revenues. The Government repeatedly attempted to repeal legal safeguards for human rights in development projects, raising opposition from civil society, technical institutions, local government and the Parliament.

At local level, **district officials** (administrative and political) prove more inclined to accommodate industrial development and their constituents' rights but their capacity is weakened by the tight control of central institutions over natural resources management. Districts are often split or merged by virtue of central decision, which not only fuels, often violent, boundaries' disputes to assert control over resources but confuses districts' constituencies about the responsible duty-bearers. As they receive little support from the central government, district structures are unable to protect their populations and have little incentive to fight corruption attempts from private operators. Corporations indeed often compromise local leadership (cultural and administrative) through various practices ranging from enrolment as community liaison agents to outright corruption. At both local and central levels, the collusion between State and companies creates a fertile ground for human rights violations and abuses while blurring respective responsibilities and hindering the efficiency of the legal system to protect populations' rights.

All this adds up on the existing limitations on affected populations' access to justice. The weakness of the State schemes (Local Councils, the Justice Law and Order Sector (JLOS)'s legal aid structures) and the compromised role of local leadership (cultural and administrative) deprive the populations of legitimate and peaceful avenues to claim their rights or solve their conflicts. The population relies on services from Legal Aid Service Providers (LASPs) and Civil Society Organisations (CSOs), which are increasingly constrained in a context of reducing civic space and lack of consideration for human rights.

2.2 About the Project

The project is based on the assessment that situations of vulnerability are primarily rooted in structural practices of exclusion and discrimination against vulnerable populations. The project is based on the premise that the legal system can make a powerful contribution to eliminating the causes of conflict or preventing their resurgence by ensuring everyone's access to fair procedures and remedies to eliminate the causes of discrimination. It reflects the conviction that fundamental human rights are not a matter of charity but of justice. They must, therefore, be translated into explicit and binding standards. It is about empowering state agents to act and those claiming rights the power to hold those responsible to account.

Implemented between 1 May 2017 and 31 December 2021, the project was directly supported by the Belgian Development Cooperation.

The specific objective of the project is to **improve the functioning of justice mechanisms for populations affected by conflicts and natural resources management through the promotion of their rights particularly public participation**. This was supported by the following four result areas:

- R1: Fostered participation of victims of conflict in Justice mechanisms abiding by international standards
- R2: Stronger justice mechanisms for communities affected by the exploitation of natural resources
- R3: Fostered public participation for populations affected by natural resources management
- R4: strengthen the action of civil society actors through capacity building to improve human rights monitoring and advocacy in the context of the COVID-19 pandemic

Implementing partners on this project include Civic Response on Environment and Development (CRED) in the Albertine Graben and Advocates for Natural Resources and Development (ANARDE) in the Karamoja Region. The main activities include Legal awareness-raising and community outreach; Legal assistance and representation; Capacity-building of legal and paralegal professions; and Research and documentation.

3. Part II: Burundi

3.1 Context

ASF has been organizing access to justice services for the benefit of the Burundian population since 1999. In 2016, the population's need for access to justice in Burundi remained strong while the justice system showed limits to its absorption.

In Burundi, the traditional social organization of society is of the patriarchal and patrilineal type. Inequalities linked to gender in Burundi are therefore rooted in Burundian traditions and customs which have always reserved for women and minors a second place area in the social fabric. These inequalities are particularly found within the household and at the community level, specifically in the division of labour which reserves domestic work for women, in access to property and especially in access to justice for women and girls to claim their rights. The ongoing political crisis in Burundi is no exception to this, many cases of gender-based violence (GBV), including sexual violence, continue to be documented by observers of the Burundian crisis.

Faced with these findings on the place of women and minors in Burundian society, the project developed a specific approach to gender inequalities as factors of violence.

3.2 About the Project

This program capitalizes on the expertise acquired by ASF in the area of legal aid and formulates innovations for better access to justice in Burundi. The action goes beyond the institutional dimension of access to justice to invest in a greater diversity of frameworks for the realization of rights, formal and informal. The classic mechanisms of access to justice and the new working methods provided for in the program will be linked for an optimal effort.

The specific objective of the project is to **support and promote the realisation of rights, and the prevention and peaceful resolution of conflicts for the benefit of vulnerable populations**. This is supported by three result areas:

Expected Result 1: Strengthening the power of justice actors to act promotes conflict prevention and allows their participation in governance structures

Expected Result 2: Justice actors have tools to offer mechanisms of access to justice and quality justice services

Expected Result 3: Justice actors coordinate and share their lessons learned

Project partnerships were strategically selected to support the functioning of independent actors in access to justice in Burundi. The main activities implemented included: sensitisation and legal awareness of communities and local leaders; strengthening the capacity of civil society organizations to monitor and document human rights violations; capacity building of lawyers to improve their skills in conflict resolution (formal and informal mechanisms); Legal representation; and Research and documentation. As part of its five-year programme in Burundi, in 2021 ASF undertook to strengthen the capacities of civil society organisations in exile in their monitoring efforts to analyse the legality of the measures taken in relation to COVID-19 and their implementation and to activate regional mechanisms for the protection of rights.

4. Purpose of the evaluation

The primary objective of the evaluation is report on the two projects results and outcomes. The final evaluation of both projects will provide a thorough evaluation of the relevance and effectiveness of both projects approaches as well as the sustainability of the achieved outcomes. In addition to this, the consultant should report on the achievements of the project against the project outcomes as well as provide key recommendations for future programmes.

4.1 Methodology

The consultant will work closely with the ASF country teams to evaluate the two projects. Due to Covid-19 restrictions, the consultant will carry out a participatory evaluation that will put an emphasis on meetings with

project teams and partners - this can be carried out remotely. In addition to this, further data will be included in the analysis, including quarterly and annual reports, monitoring missions, outcome harvesting reports (Burundi only), activity reports and mid-term evaluations (Uganda only).

To ensure the validity of the evaluation, the consultant will lead on the development of any tools at the very beginning of the process and identify any gaps in the existing data, which could be further evidenced by country teams (such as through further monitoring as activities are still ongoing). They will then be responsible for collating all the relevant information into a final evaluation report.

5. Expected results

The evaluation will take place between November 2021 and January 2022. As the project finishes in December 2021, all data collection should take place before then.

The consultant will be responsible for submitting the following:

- Inception report and plan (including methodology, tools, final timeline);
- Remote data collection (where relevant);
- Data analysis and synthesis;
- Two draft evaluation reports one in English for Uganda, in French for Burundi;
- Two final evaluation reports following feedback from ASF;
- Presentation of the findings to the Uganda and Burundi country offices

6. Required profile

The selected consultant should have expertise in leading evaluations - a specific focus on access to justice would be preferred. Previous experience leading evaluations in East Africa is required. Additionally, the following qualifications are expected:

- **Fluency in both French and English** (spoken and written);
- A university degree in law at master's or higher level or in other relevant fields;
- Experience working on access to justice, business and human rights and monitoring human rights violations projects;
- Experience in qualitative data collection and analysis;
- Strong facilitation and communication skills;

7. How to apply

This call for application is open to both national and international consultants, but candidates must be fluent in both French and English. The estimated budget for this consultancy should not exceed **10,000 euros**.

All proposals must include:

- CV
- Technical and methodological proposal (incl. timeline);
- Financial proposal.

Applications should be submitted by November 22nd 2021 to Jessica Best, Regional Research and Learning Manager: jb主@asf.be. Any incomplete application will be dismissed.