



# GREAT LAKES INITIATIVE FOR HUMAN RIGHTS & DEVELOPMENT

## Realisation Of Human Rights And Development For All

### TERMS OF REFERENCE FOR ASSESSMENT ON THE POLICY AND LEGAL FRAMEWORKS ON THE RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS IN RWANDA

#### 1. Background

In its last Universal Periodic Review in January 2020, Rwanda accepted all four recommendations specific to human rights defenders (HRDs), mainly calling for better protection against harassment and intimidation. It also accepted all recommendations concerning freedom of association and peaceful assembly, committing to the removal of restrictions to the registration and freedom of operation of NGOs and political parties, as well as those pertaining to freedom of opinion and expression. Rwanda thus explicitly undertook to amend the 2009 Media Law to comply with its international obligations, and to ensure that the Genocide Ideology Law is not misused to restrict rights. Since then, an amendment to that law has been enacted.

However, threats and limitations to human rights defense and freedom of expression persists. For example, Law N°02/2013 on regulating media (Media law) adopted on 11 March 2013 provides some safeguards for freedom of the press but contains too many provisions which pose a threat to journalists and the independence of the media, including online media. In Rwanda, there is no specific law in the framework of safe and enabling environment for the work of human rights defenders.

To respond to this problem, Great Lakes Initiative for Human Rights and Development (GLIHD) wants to conduct an assessment on the legal environment on HRDs to identify the gaps, issues and challenges affecting Human Rights Defenders.

#### i. The objective of the consultancy

The objective of the consultancy is to conduct an assessment of the legal environment on the recognition and protection of human rights defenders in Rwanda, identifying any available gaps, issues and challenges affecting them and suggesting recommendations to regulate the work of human rights defenders. The findings of the assessment will serve as a fundamental document to call for policy and laws amendment to ensure that HRDs are protected against harassment and intimidation in their daily works.

#### ii. Scope of assignment

The selected Consultant shall, in a very comprehensive, integrated and holistic manner, undertake the following tasks:

- Conduct an assessment on the legal environment on HRDs to identify the gaps, issues and challenges affecting Human Rights Defenders. Conduct a legal audit/scan into key and relevant laws to establish any gaps in the existing legal framework in protecting human rights defenders;



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- Conduct comparative legal research identifying both good practices and restrictive practices in the recognition and protection of defenders;
- Carry out face-to-face consultations with a considerable number of human rights defenders to understand their views and voices;
- Conduct extensive engagement with human rights experts and jurists regarding the legal environment for human rights defenders in Rwanda;
- Identify existing threats and kinds of intimidation against HRDs and highlight key recommendations from different participants to the assessment;
- Assess the compliance with the 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' (the UN Declaration)

### iii. **Expected outcomes**

#### iv.

- Produce a quality assessment report on the legal environment protecting human rights defenders in Rwanda;
- Technical guidance to GLIHD in terms of institutional engagement on human rights defenders' regulation
- Developing a benchmarking tool against which to measure and assess the effectiveness of existing laws and policies;
- Provide a way forward with regard to recommendations given to Rwanda on Human Rights Defenders.

#### v. **Methodology**

The Consultant shall conduct both a desk review of both domestic and international legal frameworks to ascertain the available gaps in our laws. He/she will conduct interviews with relevant persons like lawyers, journalists, bloggers and YouTubers on the issues affecting their work. Both qualitative and quantitative approaches will be employed to obtain succinct data.

#### vi. **Deliverables, Reporting and time schedule**

The Consultant shall work under the supervision of GLIHD team.

The deliverables shall be produced as follows:

- Within 5 calendar days following the signing of the contract, the Consultant shall produce an inception report to be approved by the supervising team not later than 5 calendar days. The inception report shall provide details on how the Consultant understands the assignment and how he intends to conduct the assignment (i.e detailed description of work plan, research methodologies, institutions/actors to be involved, etc.);
- Within 20 calendar days following the date of submission of the inception report, the Consultant shall produce the 1<sup>st</sup> Draft report.



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- Within 5 days following the date of submission of the 1<sup>st</sup> draft report, the consultant shall submit the final assessment.

### vii. Consultancy firm or individual Consultant skills required

#### vii.1. General requirements

The consultancy Firm/ individual consultant submitting for this particular consultancy should possess the following requirements:

- **General Experience of the firm/ individual consultant:** at least 5 years
- **Specific experience:** Previous consultancy expertise and skills in Study/research/survey/assessment conducting with a letter of Reference from the hiring institution/organization.
- **Understanding of HRDs** conceptual framework. The consultancy firm or individual should prove to have a particular knowledge of the Justice Sector and Human Rights in general
- **Appropriate methodology to conduct this study:** during technical proposal
- Being Familiar with legal methods of Research
- Having knowledge on Environment of Human Rights in Rwanda
- Ability to understand UPR processes and Cycle.
- Ability to work with institutions involved with UPR recommendations

#### vii.2. Education of the Firm's Staff / Consultancy team

##### a) Qualification of the Team Leader

The Team Leader should have the following profiles:

- Master's degree in Law, Public Policy, Human Rights, and relevant social sciences
- Ability to work effectively in English and Kinyarwanda is a requirement, but the deliverables should be produced in English Language.

#### Technical qualification evaluation criteria:

The total number of points allocated for the technical qualification component is 100. The technical qualification of the individual is evaluated based on following technical qualification evaluation criteria:

Technical evaluation criteria	Obtainable Score
Education	20%
Experience and skills	50 %
Language and other skills	30 %
<b>Total Obtainable Score</b>	<b>100 %</b>



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Only the candidates who have attained a minimum of 80% of total points will be considered as technically-qualified candidates and proceed to financial evaluation.

## viii. Financial arrangements

Payment will be disbursed in three installments:

- 50% of the total cost upon signature of contract;
- 40% upon submission of first draft;
- 10% upon the approval of the report by GLIHD.

## ix. Duration

The final assessment findings document is expected to be presented not later than 30 days following the signing of the contract.

**Kigali on 20<sup>th</sup> December 2022**

**MULISA Tom**

**Executive Director**