

**CALL FOR APPLICATIONS:**

**RESEARCHER – FREEDOM OF EXPRESSION & CIVIC SPACE IN EAST AFRICA**

**TERMS OF REFERENCE**

**1.0. INTRODUCTION**

The American Bar Association Rule of Law Initiative (ABA ROLI) is an international development program that promotes justice, economic opportunity and human dignity through the rule of law in more than 100 countries. For more than 25 years, the ABA ROLI and its partners including government ministries, judges, lawyers, bar associations, law schools, court administrators, legislatures and civil society organizations have continuously strengthened legal institutions, supported legal professionals to foster respect for human rights and to advance public understanding of the law and of citizen rights. In line with its mission, the ABA ROLI is implementing an 18-month project entitled *Promoting Freedom of Expression, Rule of Law and Access to Justice in East Africa*, with a focus on Tanzania and Uganda. The project was developed as a response to an emerging trend of States curtailing legitimate work of human rights defenders, limiting freedom of expression and narrowing the space for civil society and the media. This has been under guise of safeguarding state sovereignty and security, where governments are placing unnecessary and debilitating restrictions on the human rights fundamental right to civic engagement, media freedom and civil society space particularly freedoms of assembly, association and expression.

In 2020, as Tanzania and Uganda geared up for elections, the operating environment was flawed with violations of the fundamental rights in particular the freedom of opinion and expression especially for political opposition aspirants. For Uganda and Tanzania, this manifested through arbitrary arrests, blocking of accessibility of campaign venues, harassment and brutality against journalists, destruction of media equipment, among others. As a result, there has been state-sanctioned censorship as well as self-censorship among human rights defenders, journalists and media houses. The increasing closing civic space and the implications of this pattern of actions calls for a specialized interrogation and analysis into the causes and consequences of this pattern of violence and repression on the one hand and the identification of innovative strategies and measures to address the situation. The research will ably provide media practitioners, human rights defenders, CSOs and policy makers with evidence-based research to support advocacy and legal strategies to improve the operating environment.

To this end, ABAROLI seeks to recruit a consultant to undertake a study incorporating a situation and trends analysis particularly focused on civic space in both Tanzania and Uganda. Given the common trends in the region, the report will also seek to make linkages to regional trends and highlight strategies that can be taken at the regional level to promote reforms and positive change. The research will cover aspects which include among others; legal and policy framework on laws curtailing civic space/ freedom of expression; international best practices, contextual operating environment for citizens, HRDS, media focused on FoE and Assembly and recommendations; regional context and overview with a focus on challenges and opportunities for advancing/protecting FOE/civic space through regional approaches and mechanisms.

## **2.0. BACKGROUND**

In the past year, the civic space and respect for human rights has shrunk considerably in both Tanzania and Uganda. This is combined with a decline in the rule of law and a rise in impunity which has been exacerbated by the political climate in both country—particularly the political leaders’ relentless need hold on to power by any means. This includes all forms of repression of persons expressing opinions or taking actions that are perceived to question the legitimacy of the governing party and current leadership. There has been increased clampdown on media freedom, the shrinking of freedom of expression and civic space and the crackdown on human rights defenders and opposition members. In Tanzania, journalists are routinely harassed for questioning or criticizing government actions and policies; shut down and suspension of Media houses for expressing support for political opponents or hosting them for shows; Civil society representatives that publicly disagree with the government have been subjected to arrests, raids, account freezing, physical attacks and other forms of intimidation. Tanzania has since witnessed a dramatic shrinking of civic space and a brutal crackdown on HRDs, CSOs, and independent media. In addition, Tanzania has also adopted a number of laws that provide authorities with overly broad powers to restrict citizens’ legitimate exercise of fundamental freedoms, as well as to charge HRDs, journalists, bloggers, and other independent voices with obscure offences.

Further to the above, several laws have been rushed through Parliament and adopted in the absence of meaningful consultations, such as the Media Services Act (2016), Cybercrimes Act (2016), and Electronic and Postal Communications Act (Online Content) Regulations (2018) and (2020). These laws and regulations grant broad powers to government ministries and regional politicians, with little judicial oversight and inadequate human rights safeguards. In Uganda for example the communications regulator, Uganda Communications Commission (UCC), has gradually extended its reach through administrative actions to force broadcast media into submission and self-censorship. UCC has in the past, closed down radio stations; forced employers to suspend staff; warned different media houses against breach of minimum broadcasting standards; amongst others. Furthermore, authorities have placed restrictions by enacting draconian laws, selective application of laws such as Anti Money laundering Act, which increasingly threaten freedom of assembly with a focus particularly on NGOs’ access to funding, registration requirements and controlling the activities of organisations.

As the shrinking of space for freedom of expression and assembly continue in the region, the ABA ROLI with six partners in the region have focused on protecting and promoting freedom of expression, rule of law and access to justice in Tanzania and Uganda. Actions have focused on enhancing protection of freedom of expression, assembly, civic space as well as related fundamental rights in the pre and post electoral period in Tanzania and Uganda. National strategies have been complemented with regional advocacy and litigation to strengthen the initiative. Achieving these goals has been achieved through a combination of means i.e. strategic litigation at the national and regional levels; and the provision of legal aid to defenders, journalists, and NGO actors at risk.

## **3.0. PURPOSE OF THE CONSULTANCY**

The Consultancy is intended produce a study report providing information on the on civic space to assess emerging trends, progress, challenges, opportunities and inform interventions by key stakeholders and policy makers in both Tanzania and Uganda- at both the national and regional levels.

### 3.1 Specific Objectives

- To document the current trends and recent developments in the area of freedom of expression and civic space in Uganda and Tanzania;
- To identify rights violations pertaining to freedom of expression and civic space (both in law and practice); to include an analysis of recently introduced laws or reforms and assess their impact on the enjoyment of rights in particular that of HRDs, media and NGO sector;
- To analyse the political, legal, judicial and institutional environment at the national level to identify gaps and opportunities for constructive engagement, advocacy or litigation of FOE and civic space issues;
- To document the experience thus far in addressing the challenges and establish the progress made in addressing the shrinking space by the stakeholders such as the HRDs, Media in the past two years;
- To provide an overview of the regional legal framework and mechanisms with respect to FOE and civic space protection (analysis of jurisprudence and impact in region) and identify the gaps and opportunities for advocacy and litigation at the regional level;
- To identify opportunities, lessons learned and make recommendations on how Tanzania and Uganda can employ strategic actions at the national and regional levels address the shrinking space. Recommendations should target the AU member states, the regional/international mechanisms, media and civil society as key stakeholders.

### 4.0. DURATION OF CONSULTANCY

The consultancy will last for 30 working days over a 2 month period.

### 5.0. METHODOLOGY AND SCOPE OF WORK

The Consultant will apply the most appropriate methodology that will focus on the objectives highlighted above, mainly by using desk review and key informant interviews. The Consultant will further be expected to provide the preferred methodology in the inception report.

### 6.0. KEY DELIVERABLES

The following are the expected deliverables during the consultancy period:

**6.1 Inception report:** Building on the initial proposal submitted, the selected Consultant will be expected to prepare an inception report within 2 days of being awarded the contract. The report must include a clear understanding of the Terms of Reference, description of the methodology, detailing how the report will be developed and a work plan with a clear timetable proposed to execute the assignment.

**6.2 Draft Report:** The selected Consultant will prepare and present a draft report that will be validated by the various stakeholders including; Journalists; Human Rights Defenders; Public Interest lawyers; CSOs among others in both Uganda and Tanzania.

**6.3 Final Report:** The Consultant will incorporate feedback and prepare a final report which will be submitted to ABAROLI.

## **7.0. REPORTING**

The Consultant will report to ABAROLI staff in Uganda and will directly liaise with the local partner organization(s) in the day-to-day execution of the assigned tasks. The adequacy of the deliverables will need to be approved equally by ABAROLI.

## **8.0. QUALIFICATIONS AND EXPERIENCE**

- Master's degree in Law or Human Rights, Development Studies and Social Sciences, or any other relevant academic qualification. A doctorate will be an added advantage;
- A minimum of five (5) years of progressive experience with demonstrable experience undertaking consultancies with proven experience in undertaking research /study
- In-depth understanding of the work of HRDs, FOE and general civic space in East Africa, in particular in Uganda and Tanzania;
- Excellent legal research and drafting skills with experience authoring scholarly publications or institutional reports of a similar nature;
- Strong analytical skills including analysis of both quantitative and qualitative data.
- Strong interpersonal and communication skills required to undertake research, and similar studies.
- Attention to deadlines.

## **9.0 SELECTION PROCESS**

ABAROLI will undertake a competitive process of identifying the most suitable candidate to undertake the assignment. The process will include sending out an Expression of Interest where the interested persons or organizations can apply as below:

## **10.0 APPLICATION PROCESS**

The interested Consultants are requested to submit a proposal, including the following: cover letter, 2 letters of reference, outline proposed structure of the study; estimated budget and work plan to the **Programme Support Manager** on [violah.ajok@abaroli.org](mailto:violah.ajok@abaroli.org). Applications should be submitted by close of business on Friday, **12 February 2021**.