



Call for Expression of Interest

Development of a policy brief on the impact of COVID-19 on Human Rights in East Africa.

TORs for Consultant/Firms

Introduction

The East Africa Law Society in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law under the Regional Africa Programme (RAP) is implementing a project that seeks to strengthen implementation of human rights commitments in the East African region. The Project is based on the premise that if the human rights capacity of key regional institutions and related duty-bearers is strengthened then development challenges, including those of a cross-border nature facing the region will be dealt with more effectively.

Under the project, EALS will conduct high level advocacy to influence implementation of human rights commitments in the region and will focus on among others enhanced implementation of decisions of regional Courts and increased implementation of commitments arising from national, regional and international human rights instruments.

The Society will also build the capacity of legal practitioners appearing before regional Courts as well as the capacities of regional and national judiciaries' to handle human rights matters.

As part of our advocacy initiative, EALS seeks to procure the services of an individual or institution with expertise in the regional human rights system to review and submit a policy paper to EALS on the impact of COVID-19 on human rights in the region. This will include impact of implementation of the various public health restrictions put in place by governments. The brief will inform the Society's advocacy on implementation of various commitments to human rights made by EAC Partner States.

In the course of this assignment, the consultant will receive technical assistance from the East Africa Law Society through a team of technical experts at our disposal.

Context

Following the declaration by the World Health Organization (WHO) on March 11 2020 that Corona Virus was a global pandemic (speed, nature of spread and associated fatalities), governments across East Africa put in place a raft of measures to keep their citizens safe by curbing the spread of the virus. These measures, some of which have since been lifted included advising citizens to stay at home, nation-wide curfews, closure of all learning institutions, minimization of crowds at places of work, banning of all public and social gatherings among others.

While these measures were and are essential in dealing with this extraordinary global public health emergency; governments across the region must strike the right balance between assertive measures to slow down the spread of the virus and protect lives on the one hand, and respect for fundamental human rights and dignity on the other.

This requirement is created in international law through various instruments which recognize the grave impact of pandemics and other catastrophic events on health and social order. The instruments also provide a criteria to guide states

in their emergency action. The International Covenant on Civil and Political Rights for instance permits curbs on liberty of movement so long as restrictions created are governed by law, deemed necessary to protect public health, and consistent with other rights.

The International Covenant on Economic, Social and Cultural Rights guarantees the right to the highest attainable standard of health and requires states to take steps to prevent, treat and control epidemics. It is a requirement that even during emergencies, these services are delivered in a non-discriminatory basis, especially when dealing with vulnerable and marginalised groups.

While international law allows the curbing of fundamental rights and liberties during pandemics, the **Siracusa Principles** Limitation and Derogation Provisions under the International Covenant on Civil and Political Rights requires that any limitations applied must not be arbitrary or discriminatory and must be limited in duration. The limitations must also be regularly reviewed.

Most emergency laws and policies adopted by Partner States in the EAC respect fundamental human rights. For instance movement restrictions in the Republics of Kenya, Uganda and Rwanda permit reasonable exceptions to lockdowns for essential shopping and exercise. The laws are also subject to regular parliamentary review and have sunset clauses, mostly one month.

However, even though most of the laws appear to be human rights compliant, the nature of their application has led to numerous violations and left many questioning their efficacy. Police brutality has been experienced in various states across the region. In Kenya and Uganda for instance, several deaths have been reported and directly attributed to police enforcing curfew orders.

Other violations reported to the East Africa Law Society include journalist covering matters related to the pandemic being threatened, intimidated or even

assaulted. There have been reports of arrests of bloggers attributed to sensationalized reporting of the pandemic.

Maternal and expectant mothers have not been spared by the imposed lockdowns either with many finding it difficult to access hospitals during curfew hours. Sexual and gender based violence has also been on the rise.

Scope of work:

Under the overall guidance of the East Africa Law Society CEO and Programs Manager, the consultant is expected to undertake a thorough review of the various measures put in place by various Partner States in the EAC to control the spread of the virus. The consultant will also analyse how these measures have been implemented and how this has impacted human rights across the region. How do measures taken by East African Partner States compare with those in other regions?

The consultant is also expected to analyse the benefits of the measures put in place, the necessity of collective action to conquer a common enemy and the essence of working together to protect our common vulnerability as humans. Can these be used to reawaken the need to ensure implementation of human rights commitments in the region?

He/she will then come up with a set of actionable recommendations on how the region can ensure respect for rights in the face of a global threat.

Deliverables:

- A detailed policy brief extensively covering the requisite brief area with actionable recommendations.

Required skills:

- Individuals or institutions with a minimum of 5 years practice knowledge and experience working on international, regional and national human rights systems.
- Good understanding of regional policy and law making mechanisms especially during emergencies.
- Understanding and/or experience dealing with regional health systems will be considered an advantage.
- The consultant should also demonstrate excellent communication (including written) and facilitation skills; English and Kiswahili proficiency, both written and spoken, is essential.
- Experience applying a gender lens to human rights.

Time Line:

This assignment will be completed within two (months) from the date of Signing of the Contract with the following steps:

- (1) Submission of initial detailed inception report detailing understanding of the Terms of Reference (2 weeks);
- (2) Submission of an initial brief to EALS and incorporation of comments received from EALS (3 weeks);
- (3) Submission of the final brief within two weeks for validation (2 weeks).

Application Procedure:

Interested and qualified consultants are invited to submit the following:

1. Technical proposal including detailed firm profile or CV for individuals. Technical proposal should demonstrate an understanding of the landscape, and propose a detailed methodology that will be used to complete the assignment.

2. Expected completion timelines.
3. Evidence of having undertaken similar tasks as well as previous products
4. Financial Proposal/Budget.

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All applications should be addressed to:

**Finance and Administration Officer,
East Africa Law Society,
EALS House, Plot No. 310/19, PPF AGM Area, PPF Road off Njiro Road,
P.O. Box 6240 - Arusha, Tanzania.**

Mode of submitting: Hand delivery/postage or email to davidsigano@ealawsociety.org copying info@ealawsociety.org. All applications should reach us by **Friday, 25th September 2020**, before 1700hrs East African Time.