TERMS OF REFERENCE
Preparation of a Human Rights Litigation Guideline for Ethiopian Lawyers

1. Background and Objectives

Successive governments in Ethiopia have engaged in major institutional and normative reform efforts with significant socio-political implications. Next to the liberal constitutional shift that began in the early 1990s, and the authoritarian regression following the 2005 elections, Prime Ministers Abiy Ahmed's reform efforts that that began to unfold in April 2018 seem to foreshadow major institutional and socio-political changes. In addition to a seismic shift in rhetoric, which included an admission of and apology for past human rights violations, Abiy's government began its term with the release of thousands of political prisoners, ending a policy that securitized political and civic opposition, and the initiation of legal and institutional reform efforts. Although a number of major security-sector and ruling-party reforms have been implemented, most other structural reforms are in their early stages. Lawyers for Human Rights (LHR) is one of the institutions that was established following the transition and the changes in the legal system that used to prohibit the existence of human rights organizations such as LHR.

While the reforms being pursued by the government are encouraging, there are serious challenges that need to be overcome if Ethiopia is to succeed in fully transitioning to a democratic and open political system. The situation on the ground and the experiences of other states that went through democratic transition show that any "democratic wave" is going to face an anti-democratic "reverse wave". Whether Ethiopia will succeed in democratizing is going to depend on whether the "democratic wave" is going to be stronger than the "democratic wave". It is, therefore, imperative that different social actors do their level best to shore up the democratic transition and guard against any reversals. This project is focused on brining the weight of Ethiopian civil society and members of the legal profession to bear upon the transition towards a political system that is democratic and abides by the principles of constitutionalism, human rights, and the rule of law.

Although civil society actors are known for their support for democratization in many parts of the world, their role in Ethiopia has been extremely limited partly due to the high levels of repression by the previous political regime. This project is part of LHR's efforts to build the capacity of Ethiopian civil society and the broader legal profession to support the democratization process. It aims to achieve this by providing resources and toolkits, and in this case a human rights litigation guideline, which will allow domestic lawyers to use litigation to prevent the reversal of democratic gains. The human rights litigation guideline is expected to allow Ethiopian lawyers to bring about strategic interventions to oversee the proper implementation of reformed laws without needing to go through a multi-year educational program or specialization. In other words, it aims at the production of a comprehensive guideline that will provide a graduate from an Ethiopian law-school the capacity to engage in nuanced and strategically impactful pro-rights and pro-democracy litigation.

2. Scope of Work

LHR is seeking a consultant to prepare a human rights litigation guideline for Ethiopian lawyers. The human rights litigation guideline will be designed in a way that will provide the following to an average law-school graduate:

1. a guidance or introduction to the constitutional, regional, and international normative structures of human and democratic rights sufficient to engage in strategic litigation. While the guideline is not expected to discuss substantive law and matter in detail, it should contain information that allows users of the guideline to easily access detailed information about specific substantive rights;
2. an overall guidance to procedures and standards that strategic litigators need to be cognizant of going from local, appellate, constitutional, regional and international regimes;
3. strategies for engaging in successful litigation in in transitional settings;
4. introduction to important issues that need attention in terms of improving the human rights and democratic infrastructure of Ethiopia;
5. tools for engaging in litigation in a culturally competent manner and while being conscious of Ethiopia's political, cultural and religious contexts; and
6. tactics for ensuring that strategic litigation efforts take non-legal matters such as public education/communication or the interests of victims (for ex. re-victimization or victim-safety) into account.
7. The human rights litigation guideline will also contain sufficient annexes, models and/or forms that will both allow domestic lawyers to engage in litigation work without having to re-invent many of the tools already available internationally.
8. The human rights litigation guideline will contain detailed information that can allow LHR, other civil society actors, and private lawyers use it in practice. However, it should also be set out in a general or "big-picture" approach that allows its use as future training material to lawyers who do not have prior engagement with human rights law.
9. The scope of this engagement includes a number of consultations with LHR to ensure that the consultant's work-product is guided by and conforms with LHR's practical needs, expectations and experiences.

5. Duration

This assignment is expected to be carried out for a period of 30 working-days.

6. Applicable language

The guideline should be written in English.

7. Consultant Qualifications

<u>Academic Qualifications:</u>

At least a master's level education in any of the following fields: law, human rights, international development, gender studies.

Experience:

a. At least five years of professional experience in conducting and facilitating strategic planning, training and capacity building;
b. Demonstrated experience working with the legal and judicial system, with educational institutions, and/or with non-governmental organizations, their partners and other stakeholders in private and public sector development programs;
c. Sound understanding of political dynamics and the regulatory framework for NGOs and the legal profession in Ethiopia;
d. Practical experience in engaging in strategic litigation or in training students or lawyers to engage in strategic litigation is a plus.

Skills and Competencies:

a. Ability to work with minimal supervision;
b. High level written and oral communications skills in English and Amharic;
c. Must be result-oriented, a team player, exhibiting high levels of enthusiasm, tact, diplomacy and integrity.

8. Tender Submission

Interested and qualified candidates should submit their applications which should include the following:

a. Cover letter and a CV of the consultant with a list of references;
b. One-page illustrative work plan;
c. Proposed fee structure, with all costs required for the completion of the assignment (hourly or daily rate and relevant expenses), and;
d. Documents may be submitted in hard or soft copy forms.

Applications should be submitted by email to LHR at infolhr2020@gmail.com and copied to amehamekonnen78@gmail.com by 17 August 2020 on or before noon**.**