

Terms of Reference

TITLE: CONSULTANT TO CONDUCT AN ASSESMENT OF THE IMPACT OF COVID-19 PANDEMIC ON HUMAN RIGHTS IN RWANDA

1. Introduction

Currently, the entire world is confronting the pandemic of COVID-19. Rwanda has taken different preventive measures to repond to the spread of the pendemic and the impact it causes to the health and safety of the people.

In that regard, Rwanda has taken measures including the lockdown of its territory in its different stages where people were first required to stay at home and travel only for provision and or consumption of essential goods and services. Strict banning of unnnecessary travels was imposed, public and private instittutions were required to embrace remote working to maintain productivity and ensure the continuation of their business activities. During the period of lockdown, certain institutions and businesses, particularly those providing essential goods and services (eg, food markets, supermarkets, bakeries, petrol stations, healthcare services, financial institutions like banks etc....) were exempted from the lockdown.

There was an unprecedented deprivation of enjoyment of people's rights in different domains due to the rapidly changing situation triggered by the pandemic and consequently, the national economic crisis, affecting mostly the most vulnerable. The following are expected to be amongs the impacts to be assessed:

- Many businesses have struggled to stay afloat and have therefore been forced to collectively terminate employment contracts or permanently cease operations;
- Lack of food for families living on gains from casual labouring;
- Separation of family members because lockdown measures were taken when some people were not at their work places;
- Unpredicted adjournement of court hearings which have affected the right to be tried within reasonable time;
- Detaining people who infringed lockdown measures in ungazetted premises like in stadium in order to respect the social distancing required by health guidelines on Covid-19;
- Lack of transport services to access medical care services among others;
- Suspension of visits to detainees in prisons, RIB stations and people in transit centers.
- Etc...

Though the Government measures that were taken against the spread of COVID-19 pandemic were imposed for the best of the right to life, the adopted measures have impacted Human Rights which the Government is responsible to protect.

Pursuant to the Constitution of the Republic of Rwanda of 2003 amended in 2015 that provides for the respect of human rights in articles 12; 13; 14; 15; 24, 24; 29; 34; 38 and 43;
Pursuant to the Article 139 of the Constitution of the Republic of Rwanda of 2003 amended in 2015 and also article 49 that gives the National Commission for Human Rights the responsibility of promoting human rights;

The National Commission for Human Rights found imperative to assess the impact of anti-COVID-19 measures on the respect of Human Rights as its responsibility assigned by the law n° 19/2013 of 25/03/2013 establishing the functioning of the National Commission for human rights as amended by the law N° 61/2018 ref 24/08/2018.

2. Objectives of the assessment

2.1. General Objective

To assess the impact of anti-COVID-19 measures on human rights in Rwanda. Based on the findings of this assessment, the National Commission for Human Rights National Commission for Human Rights will issue recommendations to the concerned institutions to ensure the respect of human rights while preventing the spread of COVID-19.

2.2. Specific objectives

- To identify the adopted anti-COVID measures and assess their compliance with Human rights principles;
- To monitor the respect of Human Rights during the implementation of adopted measures to curb COVID-19 pandemic;
- To assess the impact of Anti-COVID-19 measures on Human Rights situation
- To formulate recommendations to the relevant institutions to ensure the respect of human rights during COVID-19 pandemic period;

2.3. Expected results

- Violations of civil, political, economic, social, cultural and political rights resulting from the implementation of anti covid 19 measures on civil, political, economic, social and cultural rights are identified;
- The impact of COVID-19 pandemic on Human Rights in Rwanda during COVID-19 is assessed and recommendations are issued to relevant institutions;
- Findings of the assessment are disseminated and measures to prevent Human Rights violations on the territory of Rwanda are jointly taken by all relevant organs.

3. Components the assessment

1. Desk review on preventive measures against the spread of COVID-19;
2. Data collection in different places countrywide in order to monitor the impact of Anti-COVID-19 measures on the respect of Human rights;
3. Analysis of findings, report consolidation and formulation of recommendations to relevant institutions.

4. Scope of the assessment

The assessment will focus on the following concerned Human Rights in the country, among others:

- a) Right to life
- b) Right to physical and mental integrity
- c) Right to free movement and residence
- d) Right to due process of law
- e) Right to information
- f) Right to freedom of opinion and expression
- g) Right to an adequate standard of living
- h) Right to health
- i) Right to work

5. Geographical coverage

The assessment will be conducted in at least **15 Districts from all 5 provinces and the City of Kigali**. The inception report will precisely illustrate specific places of monitoring and the methodology that will be used.

6. Data collection team

The data collection will be conducted by the staff of the Commission (NHCR) with the assistance of the consultant under the supervision of the NHCR Secretary General.

7. Key duties of the consultant

The consultant will carry out the following key duties:

- To design a sound methodological approach for the research;
- To develop tools which will be used in data collection with consideration of human rights indicators;
- To train NCHR staff on the effective use of the data collection tools he/she will have developed;
- To analyze findings of the assessment and consolidate a report including proposed recommendations to be issued to relevant institutions on the respect of human rights during emerging situation amid COVID-19 pandemic.
- **Supervision and Reporting Arrangements**
 - The consultant will work under the supervision of the Secretary General of the NCHR;
 - After having been briefed by the consultant, delegates of the NCHR will collect data from the ground;
 - Gathered information will be compiled and analyzed by the Consultant and presented to NCHR;

8. Key Deliverables



➤ An **inception report** detailing how the research will be conducted, the methodology, report structure and dissemination plan.

➤ A **draft assessment report** that includes but not limited to the following components:

- The executive summary of the report;
- The general introduction (contextual overview);
- The objectives of the assignment;
- The methodology of the research;
- Key findings of the research;
- Conclusions and recommendations.

➤ A **final validated report** with all comments and inputs as provided by the National Commission of Human Rights.

Each report will be submitted and presented to the Commission (NCHR) for validation.

TIME FRAME FOR THE EVALUATION PROCESS

Phase	Tasks and deliverables	Time-Line	Payment Modalities
Submission & approval of Inception report	A draft report that includes but not limited to the following components	5 days	20%
Submission & approval of Draft assessment report	<ul style="list-style-type: none"> • Data Collection, analysis and report writing • Submission of an approved draft assessment report to the National Commission of Human Rights 	25 days	40%
Submission & approval of Final report	<ul style="list-style-type: none"> • Submission of an approved report with all comments and inputs as provided by the National Commission of Human Rights 	10 days	40%

9. REMUNERATION

The Consultants will be paid a lumpsum after the approval of the deliverables by NCHR and UNDP in accordance with payment modalities in the above table

10. DURATION OF THE ASSIGNMENT

The assignment will be undertaken in the period of **40 days**.

11. DESIRED BACKGROUND EXPERIENCE

The consultant must meet the following required minimum conditions:

- For individual consultant, A minimum of a Master's Degree in human rights, political sciences, law, development studies or a related field;
- At least three years of work experience in a conducting human rights related researches with government or non-governmental organization, human rights organizations or other relevant professional environment
- Having conducted or participated in at least 3 similar researches with similar responsibilities and be able to present certificates of satisfactory completion
- Knowledge of research methodology and techniques, and their application in research projects, and experience in designing and implementing research projects

12. Selection criteria

Interested candidates should apply by presenting the following documents:

- a. **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b. **Personal CV or P11**, indicating all experience from similar evaluations, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references;
- c. **Brief description** of why the individual considers him/herself as the most suitable for the assignment, and a methodology, if applicable, on how they will approach and complete the assignment.
- d. **Financial and Technical Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided.

The consultancy fee instalments will be paid as Lump Sum Amounts inclusive of expenses related to the consultancy. The contract price will be fixed regardless of changes in the cost components.

Submissions will be evaluated in consideration of the Evaluation Criteria as stated below:

1. The offer will be evaluated by using the Best value for money approach (combined scoring method). Technical proposal will be evaluated on 70%. Whereas the financial one will be evaluated on 30%.
2. A two-stage procedure is utilized in evaluating the proposals, with the technical evaluation being completed prior to any financial proposal being opened and compared. Only proposals that achieve above the minimum of 49 points (i.e. at least 70% of the total 70 points) on the technical proposal shall have their financial proposals reviewed.
3. Evaluation of Financial proposal (30 points)
4. If the technical proposal achieves the minimum of 49 points, the competitiveness of the financial proposal will be considered in the following manner:



The total amount of points for the fees component is 30. The maximum number of points shall be allotted to the lowest fees proposed that is compared among the applicants which obtain the threshold points in the evaluation of the substantive presentation. All other fees proposals shall receive points in inverse proportion to the lowest fees; e.g. [30 Points] x [US\$ lowest]/ [US\$ other] = points for other proposer's.

Submissions will be evaluated in consideration of the evaluation criteria as stated below:

Criteria	Weight	Max. Point
Technical		
A minimum of a Master's Degree in human rights, political sciences, law, development studies or a related field	20%	20
Sound research methodology with clear data collection and analysis tools as well as realistic reaserch work plan	30%	30
At least three years of work experience in a conducting human rights related researches with government or non-governmental organization, human rights organizations or other relevant professional environment	15%	15
Having conducted or participated in at least 3 similar researches with similar responsibilities and be able to present certificates of satisfactory completion	15%	15
Knowledge of research methodology and techniques, and their application in research projects, and experience in designing and implementing research projects	15%	15
Fluency in written and spoken English and Kinyarwanda	5%	5
TOTAL	100%	100

13. Submission

The deadline for submission of proposals will be fixed by the UNDP according to its tender regulations.

UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and person with disabilities are equality encouraged to apply. All applicants will be treated with the strictest confidence.

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14. Approval

This TOR is approved by : *[indicate name of Approving Manager]*

Signature



Name and Designation

Nadine Rugwe

Head- Transformational Governance unit

Date of Signing

09-Jul-2020