



CALL FOR APPLICATIONS FOR CONSULTANCY SERVICES TO CONDUCT A STUDY ON THE ROLE OF HUMAN RIGHTS DEFENDERS (HRD) IN THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA), AND TO DEVELOP A TOOLKIT FOR HRD ON AfCFTA PROCESSES

Contracting Authority	Institute for Human Rights and Development in Africa (IHRDA)
Funding	This consultancy is within the framework of Grant N° 81277485 of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) to IHRDA
Project	Strengthening Good Governance and Human Rights in Africa – African Governance Architecture (AGA)
Duration of consultancy	32 working days
Expected start date of consultancy	3 January 2022

1. Introduction and background

The Institute for Human Rights and Development in Africa (IHRDA) is a Pan-African non-governmental organization created in 1998, based in Banjul, The Gambia, and working across Africa to promote and strengthen the use and effectiveness of the Africa Human Rights System. IHRDA offers pro bono legal counsel to victims of human rights abuses, and represents them before regional and domestic judicial mechanisms; IHRDA conducts training workshops and other capacity-building activities for State and non-State actors in the promotion and protection of human rights; and contributes to facilitate access to relevant information to support the work of actors and stakeholders in the promotion and protection of human rights on the continent. Over the years, IHRDA has carried out projects at national, sub-regional and regional levels in Africa, touching on various human rights, access to justice and accountability issues, including issues related to social and economic rights. In recognition of its contribution to the promotion of human rights in Africa, IHRDA was awarded the 1st runner-up prize for the African Human Rights CSOs Award of the African Commission on Human Peoples' Rights in 2012. Leveraging its longstanding engagement in the African Human Rights System, IHRDA has been following the ongoing efforts of the African Union (AU) towards the negotiations and implementation of the African Continental Free Trade Area (AfCFTA) Agreement, with keen interest on the human rights perspective of the agenda.

The AfCFTA builds on several previous efforts to enhance regional integration efforts in Africa to propel the continent into an accelerated development paradigm. The AfCFTA seeks to establish a single continental market for 'goods, services, facilitated by movement of persons. It also aims to deepen the economic integration of the African continent in accordance with the Pan African Vision of "An integrated, prosperous and peaceful Africa" enshrined in Agenda 2063', and 'promote and attain sustainable and inclusive socio-economic

development, gender equality and structural transformation of the State Parties'. The Agreement Establishing the AfCFTA was signed by 44 AU Member States on 21 March 2018 and entered into force on 30 May 2019. From 1 January 2021, Member States began trading under the AfCFTA. As a framework Agreement, the AfCFTA is anchored on Trade in Goods and Services, Investment, Intellectual Property Rights, Competition Policy and a Dispute Settlement Mechanism.

The AfCFTA also serves as a unifying framework for the developmental aspirations of the AU as captured in its flagship Agenda 2063 – the continental blueprint for inclusive and sustainable development – and which is also linked to the global Sustainable Development Goals (SDGs). Among others, Agenda 2063 aspires to achieve a 'prosperous Africa based on inclusive growth and sustainable development,' and an 'Africa of good governance, democracy, respect for human rights, justice and the rule of law'. These aspirations would invariably propel the eradication of poverty and build shared prosperity through economic and social transformation, as well as institute a culture of democracy, human rights and accountability.

In many respects, the AfCFTA has been described as a game changer for the continent. When fully operationalized, the AfCFTA will create the second largest trading bloc, after the World Trade Organization (WTO) with a single market connecting 1.3 billion people in 55 countries with a combined GDP of US\$3.4 trillion. It is expected that, by 2035, implementation of the AfCFTA will help move about 30 million people from extreme poverty and 68 million people from moderate poverty. One of Africa's economic banes has been the low level of intra-African trade. Intra-African exports in 2018 were valued at US\$74 billion, accounting for 15% of Africa's world exports. From 2017 to 2018, intra-African exports grew by only 1%, whereas exports to the rest of the world increased by 22%. Africa is expected to turn this tide with the implementation of the AfCFTA, as it is estimated that the volume of intra-African trade will increase to 81% by 2035 and total Africa exports by 29%. These gains will enhance regional value chains and production networks, driving structural economic transformation on the continent. Further, the AfCFTA is envisaged to increase wages by 10%, with women and unskilled workers being the greater beneficiaries. Women are also expected to have better employment opportunities and lower the gender wage gap, thus addressing gender inequality on the continent.

The Agreement on the AfCFTA makes specific reference to supporting women and youth in article 27(2)(d) of the Protocol on Goods and Services, with a view to boosting their export capacity as service suppliers, within the formal and informal service supply sectors, as well as focus on micro, small and medium size suppliers. Targeting women and youth has been justified against the evidence that 80% of businesses in Africa are classified as small and medium enterprises, while the informal sector accounts for 85% of economic activity on the continent. Further, women account for nearly 90% of the labour force in the informal sector, while youths (persons aged 18 to 35 years by the AU's definition) account for over 60% of the continent's total population.

Despite these anticipated gains of the AfCFTA, the focus on human rights within its guiding framework and philosophy has been quite muted, albeit the potential risk factors present and expected. The synergies between the AfCFTA, Agenda 2063 and the SDGs have a necessary bearing on the African Human Rights System, which is designed and functions to ensure the promotion, protection, respect and fulfilment of human rights. It has however been observed that trade agreements and economic integration do not always lead to fair and

sustainable outcomes. The drive for accelerated industrialisation may have consequential effects in widening the wage gap as low-skilled workers may be exploited, environmental pollution may increase and the gender gap in skills development and access to economic opportunities widened, all of which will impact negatively on the well-being of the most vulnerable persons on the continent. Women, for example, account for about 70% of cross-border trade in Africa, yet in carrying out their economic activities, they are prone to violence and harassment. Limitations in property rights also tend to affect women farmers, as they are unable to maximise their investment and export-led growth. Together with youth, they are also met with barriers to accessing finance, productive resources and other assets in the agricultural sector. In its seminal study on 'Children on the Move Within Africa', the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) found that child labour migration was a principal feature of contemporary economic migration in Africa. Much of this migration involved low-skilled workers and was concentrated in the agricultural, informal trade and domestic service sectors. Children on the move for economic reasons were motivated by factors such as poverty.

As has been observed, placing human rights at the centre of economic policy enhances the quality of economic growth. Thus, commitments made by AU Member States to Agenda 2063, SDGs and the principal human rights instruments of the AU, place an obligation on African States to ensure that the AfCFTA achieves the whole gamut of economic, social and cultural rights in the main, as well as civil and political rights. Safeguarding human rights within the AfCFTA is therefore a sine qua non to the success of the development agenda of the AU. Thus, the Pretoria Declaration on Economic, Social and Cultural Rights in Africa sums it all up when it states that, 'the AU, its Member States, international and national organisations and non-state actors should fully recognise human rights as a fundamental objective of development and that development has to achieve the full realisation of all human rights. Economic, social and cultural rights should therefore be integrated into development planning and implementation so that African needs and aspirations are fully addressed.'

Although civil society in Africa broadly and Human Rights Defenders (HRDs) have played a pivotal role in the advancement of human rights and holding States accountable in Africa, their level of involvement and voice in the negotiations leading up to the AfCFTA and the early steps towards implementation of the framework Agreement has not been encouraging. This may be due in part to the fact that there is very little or no participation of HRDs in negotiation processes for the AfCFTA and in the structures established to oversee implementation of the framework Agreement, as well as their capacity and resource limitations to engage on trade issues. Accordingly, this consultancy aims contribute to providing a rallying point for HRDs to play a more concerted role in mainstreaming the promotion, protection, respect and fulfilment of human rights in the AfCFTA.

2. Objective of the Consultancy

The purpose of this consultancy is to examine the role of HRD in the AfCFTA processes, and to develop a toolkit for sensitization and training of HRD on AfCTFA processes.

3. Scope of the Consultancy

The scope of this assignment is in two axes:

3.1. Study on role of HRD in the AfCFTA processes:

The consultant is expected to conduct a comprehensive study that highlights the human rights situation and stakes in the AfCFTA; brings out the role HRD defenders should play in the

AfCFTA processes; assesses the level of participation of HRD in the AfCFTA processes so far, with the challenges and setbacks to an effective and efficient participation of HRD; and provides a way forward and opportunities for more effective and efficient participation of HRD and human rights mainstreaming in the AfCFTA.

3.2. Toolkit for HRD on the AfCFTA processes:

The consultant is expected to develop a toolkit to facilitate HRDs' understanding of and participation in the AfCFTA processes. The toolkit is required to provide easy-to-comprehend information about the AfCFTA deemed important for the knowledge of HRD (such as contextual, conceptual, legal and institutional frameworks); the importance of and opportunities for mainstreaming human rights in AfCFTA processes; the role of HRD in AfCFTA processes; and guidelines/strategies for effective and efficient participation of HRD in AfCFTA processes, together with important supporting materials and links for references.

4. Tasks to be Performed by the Consultant

Based on the objectives and scope defined in sections 2 and 3 above, the consultant will:

- i. Consult with the Executive Director of IHRDA to clarify the scope and expectations for the consultancy;
- ii. Submit to IHRDA an outline of main headings and sub-headings to be covered in the study and the toolkit for approval by IHRDA Executive Director;
- iii. Finalize the work-plan and methodology for the consultancy with IHRDA Executive Director;
- iv. Conduct the study and develop the toolkit in accordance with the approved work-plan and methodology;
- v. Submit draft of the study report and the toolkit to IHRDA for review by IHRDA Executive Director;
- vi. Incorporate comments from IHRDA into the draft study report and toolkit, and submit final versions of the study report and the toolkit to IHRDA.

5. Deliverables and timeframe

This consultancy is expected to be completed in thirty-two (32) working days, as follows:

- **Study on role of HRD in the AfCFTA processes:** twenty (20) working days;
- **Toolkit for HRD on the AfCFTA processes:** twelve (12) working days.

The consultant has the latitude to perform tasks on both deliverables simultaneously or one after the other, within the set deadlines.

Key milestones to note:

Deliverable	Timeframe
Consultation with IHRDA Executive Director to clarify scope and expectations for the consultancy	Within first 5 days of the consultancy
Submission and approval of outline of main topics to be covered in the study and the toolkit	
Finalization and approval of work-plan and methodology	
Submission of draft study report and toolkit	Latest, 5 days to final

	delivery deadline
Submission of final study report and toolkit	By delivery deadline

6. Profile of Consultant

The suitable consultant must meet the following criteria:

- Holder of a post-graduate degree in international development, international law, human rights, international relations, or a relevant social science related field;
- Extensive social science research skills, and experience in drafting study reports and toolkits. Experience with research and toolkit development in the area of human rights is a plus;
- Extensive experience in quantitative and qualitative research and evaluation, using conventional methods, such as desktop research, literature review and interviews;
- Excellent knowledge of and familiarity with the AfCFTA processes;
- Excellent knowledge of and familiarity with the African Human Rights System, including the mechanisms and actors in the system, especially HRD, as well as contemporary developments in matters of human rights in Africa;
- Excellent knowledge of Economic, Social and Cultural Rights, especially in the context of economy, trade and commerce in Africa;
- Good understanding of the importance of human rights mainstreaming in national and international development agendas;
- Ability to deliver to satisfaction within tight deadlines.
- Good interpersonal skills;
- Excellent analytical and reporting skills.

7. Language Requirement

Excellent proficiency in English and working knowledge of French. The study report and the toolkit will be written in English.

8. Reporting

The consultant will report to the Executive Director of IHRDA who will be the key contact for the assignment.

9. Submission of Applications

Submission of application is as follows:

- ❖ Complete application should include:
 - a cover letter (demonstrating an understanding of the terms of reference and the personal capacity relevant to the assignment);
 - a CV;
 - relevant academic qualification;
 - a proposed methodology and work-plan for the assignment;
 - proposed budget, showing breakdown of costs;
 - contacts of at least 2 referees, preferably from organizations for which similar assignments have been accomplished by applicant;
 - samples or links to relevant samples of study report and toolkit developed by

- applicant;
- any other material/information deemed necessary to support the application;
 - ❖ All files should be in PDF format;
 - ❖ Complete applications should be submitted via email to ihrda@ihrda.org and copied to gsowe@ihrda.org, with the subject line: “AfCFTA Consultancy: Study and Toolkit”, no later than Friday, 10 December 2021.

NB: Only shortlisted candidates will be contacted.