

## ASF IS RECRUITING 1 VOLUNTEER CORPORATE LAWYER

For a legal study in relation to the incorporation of a Protection Funding Mechanism

May 2013

<b>Project</b>	« Support and Protection of Lawyers and other Human Rights Defenders in East Africa and the Great Lakes Region »
<b>Object</b>	<p>The objectives of the legal study are :</p> <ul style="list-style-type: none"> <li>- To advice on the most suitable jurisdiction for the setting-up of the Fund;</li> <li>- To analyse the advantages and disadvantages of the possible incorporation and management structures of the Fund; and</li> <li>- To advice on any other point that could facilitate the incorporation or management of the Fund.</li> </ul>
<b>Profil</b>	<ul style="list-style-type: none"> <li>- Corporate lawyer with extensive experience in the incorporation of similar structures (trust, companies, non-profit organisations)</li> <li>- Knowledge of the region is an asset</li> <li>- Fluency in English</li> <li>- Pro Bono commitment</li> </ul>
<b>Availabilities</b>	The legal study is to be conducted before the end of June 2013
<b>ASF Contact and deadline</b>	<p>Please submit your CV as soon as possible to Catherine Lalonde and Gilles Durdu to the following email addresses:</p> <p style="text-align: center;"><a href="mailto:clalonde@asf.be">clalonde@asf.be</a> and <a href="mailto:hrd-ddh@asf.be">hrd-ddh@asf.be</a></p>

## Avocats Sans Frontières

Avocats Sans Frontières (ASF) is an independent international non-governmental organization founded in Belgium in 1992, whose mission is to contribute to the establishment of institutions and mechanisms that allow for access to independent and impartial justice, and which are capable of guaranteeing the protection of fundamental rights (civil and political, economic and social), including the right to fair trial.

For almost 20 years, ASF has been implementing programs with the aim to facilitating access to justice for the most vulnerable population in fragile states or transition contexts, including: Burundi, Nepal, Democratic Republic of Congo, Rwanda, Uganda, Chad or Tunisia.

ASF's strategy rests primarily on: 1) the affirmation of law as a motor of change (protection and development); and 2) the promotion of the social role of the lawyer as an agent of change (lawyers are both guaranteeing legal security, and access to human rights via the access to justice and a quality defence).

At the core of this strategy, ASF places lawyers, bar associations and other organisations involved in civil society, and who are the key actors in promoting human rights. ASF intervention strategy includes the following:

- the recognition of access to justice as a fundamental right and an indispensable precondition for accessing other human rights; and
- the capacity to be able to act in the interest of protecting promoters of HR (lawyers and other actors in civil society).

## ASF and the East African Law Society partnership

ASF is implementing the Project together with the East Africa Law Society (EALS). The EALS is a regional organization bringing together more than ten thousand individual lawyer-members from the region, as well as six national bar associations (Law Society of Kenya, Tanganyika Law Society, Zanzibar Law Society, Uganda Law Society, Kigali Bar Association and Burundi Bar Association).

## Terms of Reference

### **1. Context and justification**

Human Rights Defenders (HRDs) – and lawyers among them – are ordinary people taking extraordinary risks associated with their work and commitment. Due to the nature of their activities, these HRDs are often confronted with various types of people and establishments attempting to limit their capacities to defend and/or promote human rights.

The democratisation processes in Eastern Africa and the African Great Lake Region (the regions) will be accomplished only if HRDs are provided with unrestricted working environments. Protecting HRDs is a matter that impacts the regions both globally and locally. With the regionalisation of human rights legal frameworks, there is an increasing need to tackle the protection challenges through a global and inclusive approach.

This three years project financed by the European Union aims to contribute to the support and protection of lawyers and other HRDs in the regions. A key component of this project is to create a regional dynamic among HRDs, lawyers, protection organisations, networks and institutions, donors and other stakeholders through a fund designed to provide long-term and global responses to HRDs protection issues.

Although the regions benefit from a considerable number of programmes and initiatives designed to increase the protection of HRDs, there is a lack of regional coordination or collaboration among key stakeholders, disruptions in the responses given on protection issues, and unequal funding sources between countries or sub-regions.

The EALS and ASF propose to address this situation through the creation of a regional protection funding mechanism. In collaboration with the other initiatives on going in the regions, the Fund will aim to guarantee that HRDs receive reinforced personal and legal protection throughout the regions, independently of their countries of origin or their first request for support.

This initiative is meant to provide a global and sustainable regional response that will contribute to:

- Breaking the isolation which HRDs can face;
- Improving the dissemination of information and the HRDs' level of understanding on protection mechanisms;
- Establishing linkages among the local, national and regional initiatives in the targeted countries;
- Increasing the direct support available to HRDs to better and more effectively meet their protection needs, with a focus on legal assistance and representation to counter judicial harassment of HRDs and the criminalization of HRD activities; and
- Promoting efficient judicial responses, as well as adapted national and regional legal frameworks.

The initiative will first focus on the following countries: Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania and Uganda.

The EALS, together with ASF, are in the process of identifying organisations, networks and institutions that demonstrate the will to contribute to the PTF and provide the required expertise (in the fields of security and protection, human rights, management and administration, etc.).

## **2. Mission Objectives – Expected results**

In order to lead to the creation of the Fund, the EALS and ASF are organising a series of workshops bringing together a representative panel of stakeholders.

The next workshop is to take place in Kampala, Uganda with the objectives of finalizing the mandate of the PTF and debating its legal and management structure.

In view of the above, ASF is looking for a corporate lawyer who will be able to assist the project by providing a legal advice on:

- (1) The most suitable jurisdiction for the setting-up of the Fund – ideally the mechanism is to be set-up in Tanzania or in a jurisdiction which is closely connected to the regions and EALS;
- (2) The advantages and disadvantages of the possible incorporation and management structures of the Fund; and
- (3) Any other information that could facilitate the incorporation or management of the Fund.

## **3. Methodology**

The ILN member will conduct the legal study in partnership with one or two regional lawyers.

The legal team will be provided with the following materials:

- Project documents;
- P.V. of the previous PTF meeting; and
- Internal mid-term evaluation report.

The legal team is required to provide ASF with a draft report before mid-June (the exact date will be determined with the members of the legal team). If they are available, the members of the legal team will be invited to present their findings and recommendations at the next PTF workshop to take place in Kampala, Uganda.

## **4. Conditions**

The legal study will be accomplished on a Pro Bono basis; ASF will cover fees essentials for the accomplishment of the mission (transport, accommodation, per diem, etc.).

The ILN member is committed for the elaboration of the study. However, ASF would like to continue the collaboration throughout the creation of the PTF, as for example assistance for the drafting of the articles of association of the PTF (which would include conducting workshops in the regions).

In case of regional or international travels, the mission is organized by ASF under the following conditions:

- ASF will cover the following costs: flights tickets, visa fees, transport from and returning to the ILN member place of residence, accommodation and other fees related to the presentation of the report;
- A per diem will be attributed to the ILN member; and
- The ILN member will be covered by repatriation insurance.

The ILN member is committed to:

- perform his/her mission while respecting elementary principles of good behaviour, vigilance, and caution whilst abroad;
- fully comply with any instruction given by ASF in relation to the ILN member personal safety, the safety of other participants, or the safety of ASF's personnel; and
- not undertake any action contrary to the reasonable progress of the intervention and especially the ILN member shall not act in the intervention country in a capacity other than in pursuance of the proposed mission.