



Hosted at the Public Interest Law Clinic;
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P.O. Box, 7062, Kampala

CALL FOR PROPOSALS FOR A CONSULTANT TO CONDUCT A BASELINE SURVEY TO ESTABLISH THE STATUS OF THE TEACHING OF FREEDOM OF EXPRESSION ACROSS DISCIPLINES IN UNIVERSITIES IN UGANDA.

1. Background

The East African Network of University Law Clinic (EANULAC) is a network comprised of University Law Faculties, Colleges, Schools, Departments, accredited to offer law programmes in East Africa. The vision of the Network is a source of excellence for instilling civic responsiveness among law teachers, students and graduates and the promotion of public interest lawyering in East Africa and its mission is to instill civic responsiveness and Public Interest Lawyering among law teachers, students and graduates through clinical methods of teaching, research, legal education, public interest litigation, advocacy and networking. The network with the support of the American Bar Association is implementing a project titled, "*Freedom of Expression in East Africa.*" The main goal of the project is to; instill civic responsiveness among law teachers, students and graduates on freedom of expression in East Africa. The objective of the project is to engage law schools in East Africa with a focus on Tanzania and Uganda on several capacity building initiatives to enable partners to better provide legal services and protection for persons at risk, as well as more effectively litigate and advocate for relevant legal and policy reforms in the area of freedom of expression. One of the activities in this project is to develop an Integrated University Curriculum on Freedom of Expression in Uganda.

Uganda has a chequered political history characterised by years of civil war, dictatorship and political intolerance. Although since 1986 when the National Resistance Movement (NRM) Government led by Yoweri Kaguta Museveni came to power the country has enjoyed relative political stability, recent events show fragility. On the whole, the country has failed to fully transition from dictatorship and political intolerance to democratic governance. The leading cause of political intolerance has been the quest by the NRM, and particularly President Yoweri Museveni, to hold on to political power perpetually. Under the latter's leadership, the NRM has manipulated political processes, captured state institutions, and undertaken unscrupulous amendments of the Constitution. This is in addition to the use of violence, especially against political opponents.

Progressively, Government has undermined human rights, especially the civil and political rights. This is the case even when Uganda is a party to all the major international and regional human rights instruments. The rights are also entrenched in Chapter Four of the Constitution as part of the Bill of Rights. Most affected are the civic liberties, especially the freedoms of assembly, association and expressions. This is in addition to the right to vote and the freedom from torture. The focus of this call is on freedom of expression, which has grossly been violated, in ways which impact on the enjoyment of several other rights.

All international and regional human rights instruments guarantee the freedom of expression. Article 19 of the Universal Declaration of Human Rights (UDHR) for instance provides that everyone has the right to freedom of opinion and expression. That the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 19 of the International Covenant on Civil and Political Rights is couched almost in the same terms. Article 9 of the African Charter on Human and Peoples Rights guarantees the right to receive and impart information.

The Human Rights Committee, in its General Comment No. 34 has opined that the freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and are essential for any society. That these

freedoms constitute the foundation stone for every free and democratic society. Moreover, they are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions. It is added that the freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.¹

Article 29(1) of the Constitution of Uganda guarantees the freedom of speech and expression, which is says includes freedom of the press and media. Also guaranteed is freedom of thought, conscience and belief which shall include academic freedom in institutions of higher learning.

The above provisions notwithstanding, violations of the freedoms of expression, in all forms, have become rampant and are on worrying trend of aggravation. The victims of the violation and abuse have been diverse, including ordinary citizens, politicians in the opposition and the media. State institution, especially the security agencies, have been at the forefront of violating the freedom of expression (and the attendant right of assembly). These acts of pervasion became so latent in the just concluding January 2021 Presidential and Parliamentary elections. Brute force was used against the opposition politicians, opposition supporters brutalised, with some being killed and media personality harassed and, in some cases, detained. These acts have culminated from years of negative practices, which has included the promulgation of laws which infringe the fundamental rights and freedoms. Among these is the Public Order Management Act of 2013, which prohibited gathering in effect without police authorisation. Others include the Computer Misuse Act of 2011, which created various offences related to the use of computers, including cyber harassment. Although critical parts of the Public Order Management Act were in 2020 annulled by the Constitutional Court, they were in effect replaced by the spate of law related to combating the spread of COVID-19.

There have been various attempts by different groups to protect the freedoms. This has taken the form of advocacy, public awareness and in some cases litigation. Although these actions have to a certain extent helped to contain the situation, a lot more needs to be done. One major hindrance has been the lack of public awareness on the existence of the rights, its manifestations and how it can be protected. The lack of awareness is so widespread and pervades all sections and classes of society. A large section of society does not appreciate the fact that expression and all forms of speech are protected by both international and domestic legal standards. This is in addition to the limited understanding of the various ways in which the freedoms can be exercise and protected in cases of threat, as well as how to seek remedies in case of violation or abuse.

Academic institutions play a key role in shaping society and creating awareness on various issues that affect society. In spite of this, at least at Makerere University, issues related to human rights have largely been left to the legal profession and appear to be concerns of the School of Law. This has denied other professionals the opportunity to interface with human rights and entrench human rights into their professional work. Moreover, universities such as Makerere University, have various disciplines which are directly relevant to the freedom of expression as part of the content of the courses they teach. These disciplines could play a role in popularising the freedom of expression and empowering the professionals they train in this regard. It is on the basis of this that the Project seeks to mainstream the aspects of freedom of expression and relevant content of such related rights as assembly, association and human dignity. The disciplines targeted by the Project include the following: (i) Law; (ii) political science, (iii) mass communication, (iv) English and literature; (v) liberal and performing arts; (vi) gender studies; and education.

Based on the above background, EANULAC would like to work with a consultant to conduct a baseline survey to establish the status of the teaching of freedom of expression across disciplines in universities in Uganda.

2. Specific Objectives

The Specific objectives of the baseline are;

- a) To assess the status of the teaching of freedom of expression and/or relevant across disciplines in Universities.
- b) To assess the existing gaps in the courses taught at universities and how these can be filled

¹ See Human Rights Committee General comment No. 34 *Article 19: Freedoms of opinion and expression* Human Rights Committee 102nd session Geneva, 11-29 July 2011, paras 1 and 2.

- c) To inform the design and content of the integrated curriculum on freedom of expression.

3. Baseline Survey Assignment

The Baseline Survey Assignment shall include:

- a) Orient project staff in baseline survey tools.
- b) Conduct consultative meeting with relevant stakeholders.
- c) Review the current existing Freedom of expression content.
- d) To assess the status of the teaching of freedom of expression and/or relevant across disciplines in Universities.
- e) To assess the existing gaps in the courses taught at universities and how these can be filled
- f) To inform the design and content of the integrated curriculum on freedom of expression.
- g) Compiling, and disseminating the baseline survey report. The Client shall share, with the Consultant, relevant documents for the successful implementation of the assignment.

4. Methodology

To conduct the baseline survey, both qualitative and quantitative methods shall be employed. For example, a desk review of freedom of expression shall be conducted, and, direct interviews and focus group discussions shall be employed. Multiple baseline survey methods shall be used to facilitate the triangulation of data from the different methods. The consultant will provide detailed methodology of how he/she will do the assignment.

5. Scope of Work

The scope of the Consultancy covers conducting a baseline survey data to establish the status of the teaching of freedom of expression across disciplines in universities in Uganda. Main focus will be on Makerere University with comparative study in other universities in Uganda.

The Consultant shall be required to undertake the following:

- a) Submit an inception report detailing his/her the understanding /interpretation of the TORs, the methodology of carrying out the assignment, work plan, and implementation schedule.
- b) Assess the status of the teaching of freedom of expression across disciplines in Universities.
- c) Assess the existing gaps in the courses taught at universities and how these can be filled
- d) Inform the design and content of the integrated curriculum on freedom of expression

6. Deliverables

The deliverables shall include;

- a) An Inception Report detailing the understanding /interpretation of the TORs, the methodology of conducting the assignment, work plan, and implementation schedule.
- b) Conduct interviews with key informants.
- c) Sharing of and discussion of the Baseline Survey Report to stakeholders.
- d) A baseline survey report (1 hard copy and soft copies).

7. Timing and duration

The Consultant shall submit her/his detailed work plan for the consultancy to EANULAC one week after signing of the contract.

The Consultant shall conduct the baseline survey during 30 working days

8. Qualifications

- a) University Degree in Law
- b) Minimum 4-5 years of experience in the use of participatory / needs assessment methodologies.
- c) Excellent knowledge and understanding of freedom of expression.
- d) Practical experience in the use of M&E tools.
- e) Practical experience in both qualitative and quantitative research.

- f) Good communication skills.
- g) Strong interviewing skills and ability to establish relationship with his/her clients.
- h) Strong qualitative and quantitative analytical skills
- i) Fluency in written and spoken English.

9. Consultants Proposal

The Consultant shall submit an Expression of Interest with Budget, and a CV. Both Technical and Financial Proposals should be submitted in soft copy, in English. Application with the required attachments should be submitted to chrismbazira@gmail.com copied to soryema@gmail.com and kangevero@gmail.com Deadline for this Application is 15th October 2021. Only CVs and cover letters detailing how you meet the criteria in the Terms of Reference should be sent to Only shortlisted candidates will be contacted.