



## **WORLD VOICES UGANDA**

**April 15<sup>th</sup>, 2022**

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### **TERMS OF REFERENCE**

**FOR**

**A CONSULTANCY TO CONDUCT AN ASSESSMENT OF OPERATIONS OF  
INFORMAL JUSTICE ACTORS AND DEVELOP TRAINING CONTENT FOR  
INFORMAL ACTORS**

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**Project: Promoting Community Access to Justice Project (PCAJP)**

**Location:** Albertine and Rwenzori Regions

**Starting date:** Upon signature of Contract

**Expected Duration of Assignment:** 30 Working days

#### **1.0 BACKGROUND**

##### **1.1 About the organisation**

World Voices Uganda is human rights, Access to Justice and Peace building not-for-profit organization which started its operations in 2005. For the last 15 years WVU has developed capacity and niche with the main thrust in providing legal aid and other innovative models for enhancing access to justice services to the indigent people, promotion and protection of the rights of the marginalized, promotion of natural resource governance specifically Minerals, oil and gas, land and forestry resources as well as lake resources, and business and Human Rights.

Our aim is to empower marginalized Ugandans amplify their voice in society to claim their legal rights and access justice and exert urgency on duty bearers to

deliver prompt, transparent and accountable services. As echoed in our slogan, WVU is the voice of the voiceless. WVU advocates for concrete and innovative solutions to injustice, social exclusion, poverty and its intergenerational continuity.

Currently World Voices Uganda with funding from International Development Law Organisation (IDLO) is implementing an access to justice project in five districts of Kyenjojo, Kibaale, Kagadi, Kakumiro and Kyegegwa in Albertine and Rwenzori District. The project also extends services to KyakaII Refugee settlement camp and the host communities in Kyegegwa.

The project implemented by World Voices focuses on closing the justice gap for the poor and most vulnerable in the rural communities of the Albertine and Rwenzori regions. The project is titled “*Promoting Community Access to Justice Project (PCAJP)*”.

The goal of the project is to *enhance access to justice for rural, vulnerable and marginalized communities in the districts of Kakumiro, Kyegegwa, Kikuube and Kagadi in Mid-Western Uganda*. The project envisions achieving the following outcomes:-

1. *Strengthened informal justice mechanisms in Kakumiro, Kyegegwa, Kikuube and Kagadi districts.*
2. *Increased community participation in delivery of justice services*

#### *Outputs*

1. *Establishment and functioning of Bataka Courts supported*
2. *Linkages between formal and informal justice actors strengthened*
3. *Community awareness and utilization about operations of formal and informal justice processes promoted*
4. *Legal aid service provision at community level supported*

#### **About the Assignment**

WVU plans to conduct a comprehensive assessment study about the operations of the informal justice actors to establish the operational and capacity needs, challenges, lessons and best practices. The study report will facilitate JLOS stakeholders, LASPs and WVU in better planning for capacity building and support to the informal justice actors and deepen linkages and referral pathway streams. Upon this assessment, WVU will develop a policy

brief on the relevance and gaps of informal justice systems in administration of justice in Uganda.

The policy brief will be a tool for advocacy and engagement on policy shift in administration of justice in Uganda.

### **1.3 Background of the informal justice systems in Uganda**

Informal Justice System remains a key pillar for enhancing access to justice for the poor and most vulnerable across several communities in Uganda. There is a wide array of evidence<sup>1</sup> justifying the role of IJS in Uganda. The study by Uganda Law Reform Commission on Informal Justice undertaken on the recommendation by the Justice Law and Order Sector (JLOS) following the Transitional Justice Study report on Traditional Justice and Truth Telling and National Reconciliation in Uganda established that there are other mechanisms, not formerly recognized by the Government being used to resolve conflicts in communities in Uganda and highlighted the need identify and document them for consideration for formal recognition<sup>2</sup>.

As such in 2018 the study on Informal Justice systems in Uganda did establish that indeed informal Justice Systems exist and that more than 80 percent of disputes in communities are resolved using informal justice structures. The study confirmed that ignoring these systems in the administration of Justice in Uganda would exclude large segments of society from accessing justice. The study further established that there are linkages between IJS and FJS that manifest in form of referrals, consultation, appeals and evidence gathering that could be used as a basis for establish formal linkages between IJS and FJS in Uganda.

The government of the Republic of Uganda has prioritised informal justice as one of the ways in which access to justice for the poor and most vulnerable can be enhanced. This has been committed in the new strategy for the Justice, Law and Order Sector (JLOS). Informal justice is highlighted under output 1.9 and one of the key focus areas highlighted under the core sector policy guidelines provided in 3.7 in the JLOS' Strategic Development Plan (SDP) IV as to strengthen *“deeper knowledge and understanding of the informal justice systems with a focus on innovations to bridge the gap between formal and informal justice system”*.

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<sup>1</sup> ULRC, Informal Justice systems in Uganda, 2018

<sup>2</sup> Undertaken in 2013;

Perhaps the government's prioritization of the informal justice system is a response to a number of justice challenges that have continued to undermine the formal justice interventions in a bid to address justice needs of the poor and most vulnerable people. Majority of the population continue to find it difficult to afford legal services due to conditions of extreme deprivation and other factors. According to the national Panel survey report of 2014<sup>3</sup> at least over 18 percent are chronically poor which ultimately disadvantages them in regard to accessing the costly justice services. The other problems are increasing case backlog, corruption (real or perceived), bribery and the high costs associated with the formal justice system in Uganda and by extension in the target districts. Due to the fact that cases often take a long time to navigate the court system, many people tend to abandon the cases for several reasons. Indeed, according to HiiL Report, (2016) out of 88% experience serious justice problems while 60-70% of the justice problems do not get solutions<sup>4</sup>.

Various studies have also indicated that informal justice system is very critical in enhancing access to justice for the poor and most vulnerable people. HiiL report<sup>5</sup> on Justice Needs in Uganda indicates that 2/3 of the people majority rural communities and most vulnerable seek for self-help interventions including informal justice systems. A study on informal justice conducted in 2016 by World Voices Uganda to investigate the role of informal justice systems in Uganda discovered that there were many informal justice models being practiced in Uganda. Some of the cases examined were Bataka Courts in greater Kibaale, the Khadi Courts by Muslim Centre for Justice and Law, the Kayo Cuk in Karamoj, the Tonu ci Koka and AILUC among the Madi in Teso, the akiriket councils of elders in Karamoja, Matoput in Achol. A similar study was conducted by Refugee law Project in which it was discovered that the Refugee Justice Needs remained unattended and discovered that there were a number of informal justice arrangements such as Elders Councils in some tribes and Refugee Welfare Committees (RWCs) that were being applied to close the gap<sup>6</sup>.

However, while the reports found that the informal justice mechanisms have a great value, there are still some concerns as to whether the informal justice actors have the necessary adequate knowledge and clear understanding about their roles, the laws, policies, and general legal frameworks as well as the

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<sup>3</sup>Uganda Bureau of Statistics (2015).

<sup>4</sup> HiiL report, (2016); Justice needs in Uganda

<sup>5</sup> HiiL report, (2016); Justice needs in Uganda

<sup>6</sup> Refugee Law Project – A Study of Informal Justice Structures in Refugee Settlements in Uganda, 2016

capacity to balance their interventions with respect to national and international standards. Informal justice systems have been accused of not being regulated and lack proper comprehensive mechanism for accountability and capacity building. There are also gender concerns which are said to arguably side line women's valuable contribution in addition to other concerns regarding victims' sensitivity and admissibility.

The study therefore will provide a comprehensive assessment about the operations of the informal justice actors to establish the redress mechanisms, operational needs, challenges, lessons and best practices. The assessment report provide an opportunity for the various stakeholders such as JLOS stakeholders, LASPs and WVU in better planning capacity building and support to the informal justice actors and deepen linkages and referral pathway streams. The assessment report will further be relied upon in developing content for standard training manual for informal justice systems in Uganda. The training manual will then be launched and owned by JLOS actors as a core resource document for training informal justice Actors. The study will be done countrywide.

## **2.0 Purpose of the Capacity Assessment**

The purpose is deepening the understanding of the operations of informal justice mechanisms in the project locations.

### **2.1 Specific objectives of the Assessment**

1. To document operational processes and procedures and best practices by informal justice systems and linkages with formal justice in Albertine and Rwenzori regions.
2. To assess how Informal Justice Systems apply the principles of Justice, Gender, Accountability and human rights standards in adjudication of cases.
3. To document the capacity gaps and needs of the Informal Justice Actors and priority areas for capacity enhancement
4. To propose appropriate ways and means of approaching the capacity enhancement needs of the informal justice actors
5. Develop a policy brief about the relevance and the support needs of informal justice systems.

### **3.0 Proposed Methodology**

The consultant will apply the most appropriate methodological approaches that will enable the achievement of the objectives of the assignment. The methodology will ensure that critical areas are prioritized. These include ensuring literature review analysis, field work data collection using appropriate data collection methods and instruments and data sources, ensuring routine consultations with the management and project team, validation and stakeholder engagement, critical analysis and presentation of the findings as well as prompt reporting.

### **4.0 Key Assignment Tasks**

The consultant will be required to carry out the following activities/tasks:

**Task 1: Presentation of inception report and Development tools:** The consultant will ensure to develop the relevant tools necessary to carry out the study. The tools and general methodology will be discussed with the management.

#### **Task 2: Carry out Literature Review**

The Consultant will review the relevant literature regarding access to justice needs, key access to justice mechanisms and such related literature with a view of generating balanced and reach baseline information.

**Task 3: Field work:** The consultant will traverse all the five districts in the field work to conduct field interviews and collection of data. **The process of data collection will involve identification of existing actors, conduct an assessment of each of the actors and identify gaps and how these gaps would be addressed.**

**Task 4: Reporting:** The consultant will prepare both the draft and the final baseline reports. The consultant will also make presentation of the draft report to at the validation meeting workshop to collect feedback and incorporate the input.

**Task5: Development of policy brief:** The consultant will alongside the baseline report develop the policy paper highlighting the key justice problems and key policy and practice recommendations.

### **5.0 Key Deliverables**

The following are the expected deliverables during the consultancy period:-

- 1) Inception report:** The consultant is expected to present the inception report upon signing the contract in line with the agreed timelines. Most probably the inception report will be presented atleast two days from the date of the contract signing. The inception report will

articulate clearly the clear understanding of the terms of reference for the assignment. The consultant will need to articulate the methodology, articulate the format of presentation of the deliverable, data collection methods, tools and sources as well as proposed timelines for the delivery of the assignment.

- 2) **Draft report.** The Consultant is expected to product and share the draft baseline report. The draft report will include comprehensive literature review and analysis, methodology, findings, conclusions and recommendations. The draft report will be presented to management for inputs including making presentation at validation workshop after which the consultant will incorporate the issues to produce a final report.
- 3) **Final report:** After incorporating the feedback from the management and project team and validation meeting, the consultant will then prepare and submit the final report.
- 4) **Abridged version of Policy brief:** The consultant will develop a policy brief from the main capacity assessment report. The policy brief will highlight the status/the findings, conclusions and policy recommendations.

#### **6.0 Duration of the Assignment**

The duration of the consultancy will be **30 working days** to deliver the capacity assessment report from the date of signing the contract. The consultant shall develop timelines on how the assignment will be delivered showing the time allocations.

#### **7.0 Consultant's Qualifications & Experience**

The suitable consultant must have the following;

- A Degree or its equivalent in Law, Human rights, Social Sciences, Research and Public Policy and any other related fields. Should at least have 2 – 5 years of experience in research or carrying out Project baseline assessments especially in the Access to Justice Sector, Human rights and other related fields.
- Any Post Graduate Diploma or Degree in Law, legal practice, Human Rights, Refugees or Justice related subject is an added advantage
- Very good knowledge of methodologies for qualitative and quantitative research Proven experience in Human rights based approach to development and in designing and leading researches on access to justice or related subject.
- In-depth understanding of linkages between formal and informal

justice systems, Refugee rights and protection issues.

- Demonstrate strong analytical skills with the ability to configure both qualitative and quantitative data and present them in stable text, tables and figures. .
- Deep understanding of the Justice Law and Order Sector
- Demonstrable leadership skills and the ability to work successfully with strict targets and deadlines in in difficult circumstances
- Ability to work equally well with local, national and international organizations.

### **8.0 Reporting Arrangements**

The consultant will be commissioned by World Voices Uganda with the approval of IDLO through the issuance of the contract.

The consultant shall report to the Country Director, World Voices Uganda. In the meantime the Consultant shall work closely with the Project Manager and Results Manager who will provide day today coordination, planning, management support and technical assurance and compliance with the terms of assignment. The consultant will from time to time meet the Senior Management Team (SMT) to brief them about the progress of the assignment.

### **9.0) Assignment Price and Schedule of Payments**

- 1) The potential consultant should submit an all-inclusive bid with detailed costing for professional fees, operational costs, travel costs anticipated etc.
- 2) The consultant should make proposals on the schedule of payment. However, the proposed schedule may be altered and payments be made according to what shall be agreed in the assignment contract and WVU will only effect payment upon achievement of the corresponding milestones identified and contained therein the contract. Below is the how the payment schedules will be effected;-

<b>Payment Releases</b>	<b>% (Total =100%)</b>
Inception report for the assignment	60%
Submission and acceptance of the Draft assessment report	
Submission of acceptable Final baseline report and Training content paper	40%

### **10.0 Application Instructions:**



Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- 1) Prospective Consultant's Letter of Expression of Interest
- 2) Technical Proposal:
  - i. Highlighting how applicant consultant responds to each of the qualification requirements particularly giving details regarding previous similar projects implemented and why he/she is the most suitable for the assignment;
  - ii. Describing methodological approaches for conducting the baseline mapping and meeting the respective tasks and objectives;
- 3) Personal information and detailed CV with at least three referees;
- 4) Financial proposal.

### **10.1 Submission of Expression of Interest**

Interested individual consultants who meet the requirements are advised to submit their applications addressed to the Country Director, World Voices Uganda not later than Friday 26<sup>th</sup> April 2022 at 5:00pm EA standard time. Expression of Interested Applications can be hand delivered to World Voices Uganda offices in Kagadi or emailed to [hr.worldvoices@gmail.com](mailto:hr.worldvoices@gmail.com) with subject ***“Expression of Interest for Assessment of Operations of Informal Justice Actors and Develop Training Content for Informal Actors”***