

CONSULTANCY TO CONDUCT ANALYSES OF THE CURRENT INVESTMENT AND INVESTMENT-RELATED LEGAL AND REGULATORY FRAMEWORKS IN THE EAC REGION

TERMS OF REFERENCE

Introduction.

Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), in partnership with Diakonia Africa and supported by Ford Foundation, is implementing a project titled “*Curbing Gender-based violence (GBV) in commercial investment schemes in EAC.*” The project aims to ensure better and dignified working conditions leading to the promotion of rights for decent work for women and girls working in large scale investment schemes in the East African countries of Uganda, Kenya and Tanzania. Specifically, the project will contribute to various medium-term outcomes including to:

- International Labor Organization (ILO) conventions on harassment and gender-based violence, and AfCFTA investment protocol mainstreamed in investment legal and regulatory policy frameworks for the effective protection of the rights of women workers.
- Enhanced capacity of labor officers, women labor unions to effectively engage and advocate for policy reforms that support access remedy mechanisms for women and girls affected by Gender Based Violence in the three-member EAC states.
- Strengthened platforms for engagement between women and girls’ casual workers, and policy makers and employers to champion their rights at the respective national and regional levels.
- Evidence generated on the proliferation of gender-based violations in large-scale investment schemes to inform advocacy for policy review.
- Strengthened institutional capacity of partners to adequately deliver on programme outcomes.

Background and Context

The East African Community (EAC) region has experienced an influx of investments, particularly in sectors such as agriculture, mining, and infrastructure. However, there remains a significant gap in ensuring that these investments are aligned with international standards regarding labor rights and the protection of women workers from gender-based violence (GBV) and exploitation. While many EAC countries have developed investment-friendly policies and regulatory frameworks, they often fail to adequately address labor rights issues, particularly in relation to the protection of vulnerable groups such as women and girls.

The increasing number of large-scale investments in sectors like tea, palm oil, and other agricultural industries often results in exploitative working conditions, including wage disparities, sexual harassment, and other forms of gender-based violence. There is a need for a comprehensive analysis of existing investment laws and regulations to identify gaps that prevent the effective protection of labor rights, particularly the rights of women workers.

Objectives of the Consultancy:

The objective of this consultancy is to conduct an in-depth analysis of the current investment and investment-related legal and regulatory frameworks in the EAC region, specifically in Uganda, Kenya, Tanzania, Rwanda, Burundi, and South Sudan. The analysis will focus on identifying gaps in these frameworks that hinder the protection of labor rights and dignified working conditions, with an emphasis on addressing gender-based violence (GBV) and the rights of women workers.

The findings of this research will serve as the basis for capacity-building exercises and advocacy engagements to ensure that stakeholders including women workers, labor unions, labor officers, and other relevant actors are equipped with the knowledge and tools to advocate effectively for stronger protections and reforms.

Scope of Work:

The consultant will carry out the following tasks:

a) Analysis of Legal and Regulatory Frameworks:

- Conduct a thorough review of national investment laws, regulations, and policies in each of the EAC member states, with a focus on labor laws, workplace safety, and gender-specific regulations.
- Analyze the alignment of existing national frameworks with relevant international labor standards, such as the International Labour Organization (ILO) conventions, the United Nations Sustainable Development Goals (SDGs), and the African Union's Protocol on the Rights of Women.
- Examine the implementation and enforcement of laws that address gender-based violence, harassment, and exploitation in large-scale investments, particularly in agriculture and related sectors.

b) Identification of Gaps:

- Identify key gaps and weaknesses in the current legal and regulatory frameworks that fail to protect the rights of women workers, especially those in vulnerable, informal, or seasonal employment.
- Assess the lack of adequate enforcement mechanisms or regulatory frameworks for addressing GBV, wage disparities, and other violations of women's rights in the workplace.

c) Stakeholder Consultation:

- Consult with key stakeholders, including women workers, labor unions, civil society organizations, government representatives, and business associations, to gather insights on existing challenges and concerns regarding the legal and regulatory environment.
- Gather data on the experiences of women workers in large-scale agricultural operations and other relevant sectors within the region.

d) Capacity Building and Advocacy:

- Develop actionable recommendations based on the research findings that can be used by stakeholders to advocate for policy and legal reforms.
- Identify knowledge gaps and propose capacity-building strategies to equip labor officers, unions, and women workers with the tools and skills to advocate effectively for legal and regulatory changes.

e) Recommendations for Integration of International Standards:

- Propose specific, targeted recommendations for EAC governments to integrate international labor standards, such as ILO C190 on violence and harassment, into national legal and regulatory frameworks.
- Identify specific legal and regulatory deficiencies that must be addressed to protect women workers from GBV and harassment, and suggest clear policy reforms.

Deliverables

The deliverables for this research include:

- **Inception Report:** A detailed plan outlining the methodology, work plan, and approach to the analysis, including stakeholder consultation.
- **Research Report:** A comprehensive report detailing the findings of the analysis, including:
 - Identification of gaps and weaknesses in the legal and regulatory frameworks.
 - Data from stakeholder consultations.
 - A detailed analysis of international labor standards and how they can be integrated into national frameworks.
 - Clear, actionable recommendations for improving the protection of women workers and addressing GBV and labor rights violations.
- A PowerPoint presentation detailing the findings from the research report.
- **Policy Brief:** A concise policy brief summarizing key findings and recommendations to be used for engagement with policymakers and other stakeholders.

Duration of the Consultancy

The consultancy is expected to take one month from the date of the contract signing.

Budget

- A detailed budget will be provided separately, covering the costs of research, data collection, travel, consultations, and report preparation.

Reporting and Supervision

The research will be supervised by the SEATINI team including the Executive Director, Programs and Communications Manager and the Monitoring and Evaluation Officer. The lead researcher will be responsible for coordinating the research team, data collection, and report writing.

Qualifications and Experience of the Research Team

The research team should include professionals with the following qualifications:

- Advanced degree in law, social sciences, international development, or a related field.
- At least 5 years of experience in conducting research and policy analysis, particularly in the areas of labor rights, gender equality, or investment policies.
- Experience working with government agencies, civil society organizations, and labor unions in East Africa.
- Strong analytical, communication, and report-writing skills.

Application Process

- Interested consultants should submit their proposals, including a detailed methodology, work plan, and budget including tax. This should also be followed by a CV and an Expression of Interest that highlights previous similar experiences.
- Submission deadline by COB on 15th February 2025 to: procurement@seatiniuganda.org and info@seatiniuganda.org