



**REQUEST FOR INFORMATION**

**Reference: Request for Information (RFI) and Expression of Interest (EOI), no. RFI-660-21-00001**

**Issue Date: March 11, 2021**

**Response Due Date: March 25, 2021 (18:00, EDT)**

**Title: USAID/DRC Promoting Rule of Law in the Democratic Republic of the Congo**

Dear Interested Parties,

**Note: THIS IS A REQUEST FOR INFORMATION AND AN EXPRESSION OF INTEREST ONLY.**

USAID/DRC seeks information about interests, capabilities, and market information related to the draft problem statement below and responses to the RFI questions enclosed in order to inform the design of a future Rule of Law mechanism. This RFI/EOI is open for comments from any interested party.

This RFI/EOI has two sections. You may respond to either section but are encouraged to respond to both:

1. Responses to the RFI questions in Attachment 1 (“Questions for Industry and Partner Feedback”) should be no more than six (6) pages in length in a Microsoft Word document or an Adobe PDF in at least 12-point font. Responses must be written in English with consecutively numbered pages. Clearly label each page with the name of the organization responding and “Promoting Rule of Law Request for Information”. Any response format may be used but USAID values concise, issue-specific responses. Please ensure submitted comments make specific reference to RFI pages and question numbers.
2. EOI responses should be sent using Attachment No. 2. In addition to the form, respondents may also include self/organization information, including past experience working in this subject area and working with relevant stakeholders on the ground. Please limit this additional information to four pages.

Send responses to this RFI/EOI to Malu Boyenge ([mboyenge@usaid.gov](mailto:mboyenge@usaid.gov)), Nathan Cutler ([nmcutler@usaid.gov](mailto:nmcutler@usaid.gov)), and [kinshasaproposals@usaid.gov](mailto:kinshasaproposals@usaid.gov) no later than 18:00 EDT on March 25, 2021. The subject of your email submission should include the following title: “RFI/EOI: USAID/DRC Promoting Rule of Law in the Democratic Republic of the Congo”. You may receive an electronic confirmation acknowledging receipt of your response, but you will not receive individualized feedback on any suggestions. USAID/DRC may revise the concept based on comments received, but is not obligated to do so.

Per FAR 52.215-3, this is not a solicitation and is not to be construed as a commitment by the U.S Government or USAID to: (1) issue any solicitation or ultimately award a contract or assistance agreement on the basis of this RFI and EOI, or (2) to pay for any cost incurred in the preparation and submission in response to this RFI/EOI. It should be noted that responding to this RFI will not give any advantage to any firm or organization in any subsequent procurement. Responses will be held confidentially. Proprietary information should not be sent.

Thank you for your response and interest in USAID/DRC’s programs!

**Nathan Cutler** Digitally signed by Nathan Cutler  
Date: 2021.03.11 08:51:57 +01'00'

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Nathan Cutler, Contracting and Agreement Officer  
USAID/DRC

Attachments:

1. Draft Problem Statement, Potential Activity Purpose and RFI Questions
2. EOI Response Form

## ATTACHMENT 1:

### **Introduction:**

USAID/DRC seeks to gain further insight on challenges in the rule of law sector and potential solutions. This input may contribute to upcoming activity design(s).

### **Initial Problem Statement and Theory of Change:**

The Democratic Republic of the Congo (DRC) suffers from a lack of culture of lawfulness and the judicial branch remains too weak to be an effective and independent branch of government to provide checks on the powers of the legislative and executive branches. Corruption, patronage, and clientelism supersedes the rule of law. As a result of petty and grand corruption, the population mistrusts the formal justice system. In addition, pervasive corruption has created a patronage system within the judiciary where judicial decisions are manipulated by political actors or bought by those with economic power.

Additionally, justice sector institutions lack the capacity and independence to advance its own reform and provide quality, fair, and equitable services to all Congolese. The judiciary has a limited reach in the country. It is deprived of the resources needed to fulfill its mandate thus undermining the role of the state in ensuring equal access to justice for all Congolese citizens and exacerbating petty corruption within the system. Furthermore, political interference puts at risk the independence of the judiciary and citizens' right to a fair trial. Across the country, poverty, lack of adequate judicial resources, and widespread corruption prevent Congolese from seeking justice, further marginalizing youth and women.

The lack of an independent judiciary is caused by and enables corruption and it supports inequitable justice across the country. It is therefore considered as the overarching issue facing the justice system and the rule of law in the DRC. This corruption and resulting lack of public trust affects the internal governance of the judiciary and the ability of the country to mobilize its resources for its own development.

Given the very challenging and highly politicized context of the DRC, an adaptive and flexible approach and a thorough understanding of the actors and incentives could help shape an appropriate response from the activity. Therefore, political economy analysis (PEA) and principles of thinking and working politically should be at the heart of the activity to allow the flexibility that it will need to be impactful.

The following is the proposed theory of change:

***IF** judicial institutions increase internal transparency, accountability, and integrity and improve their capacity and commitment to fight corruption;*

*AND civil society is empowered to monitor, influence, and support the justice system to prevent and fight corruption;*

*AND the justice system increases equal and equitable access to justice for all through more sustainable mechanisms;*

*THEN, judicial independence and public trust in the judiciary will increase, allowing the judiciary to effectively deliver justice to the people of the DRC.*

**Preliminary Activity Purpose:**

The goal of the USAID Promoting Rule of Law activity is to strengthen the institutional independence of the judiciary and that of individual judges to advance the justice system's efforts to fight corruption and promote equal and equitable access to justice in the DRC to ultimately improve public perception and trust of the judiciary.

Given the rapidly changing and very challenging political environment and the highly politicized context of the DRC, the potential Offeror/Applicant will employ an adaptive and flexible approach and a thorough understanding of the actors and incentives to shape an appropriate response. To this end, the activity will work with the rule of law system, which includes the central level judicial institutions, courts in select provinces, the government, the parliament, the bar, law schools, civil society organizations (including business associations), media, and citizens to create the conditions for justice sector reform.

The potential Offeror/Applicant must design a response based on a political economy analysis (PEA) of the justice system, conflict sensitivity, and which builds on consultations with local stakeholders, other donors, and USAID. The operating environment can be unpredictable and the potential Offeror/Applicant will need to adapt quickly per the needs of the environment in achievement of the stated objectives. Thus, it is essential that the potential Offeror/Applicant practice adaptive management of the Activity, informed by PEA and principles of thinking and working politically.<sup>1</sup> Attention should also be given to improving data collection and analysis by justice institutions and other service providers, including use of public opinion as well as user needs and satisfaction surveys along with other feedback mechanisms to improve performance. Improved data collection, management, and analysis is essential to improving management, transparency, and accountability in the justice system.

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<sup>1</sup> USAID Thinking and Working Politically Through Applied Political Economy Analysis: [A Guide for Practitioners](#).

The activity focuses on the achievement of the following objectives:

**OBJECTIVE 1: Increased transparency, accountability, and integrity in the justice system to promote equal and equitable justice and support the DRC's anti-corruption efforts**

The potential Offeror/Applicant will identify specific interventions to address undue influence in the justice system to strengthen judicial independence. Based on the PEA, the potential Offeror/Applicant must identify feasible interventions to provide assistance to judicial institutions to address internal and external corruption in order to build public trust. Judicial self-governance is a fundamental means of promoting judicial independence, operational capacity, and protection from improper political, financial, or other external interference. In order to build the trust required for the function of the judiciary, defense networks outlined in Objective 2, the judiciary must take actions to show their commitment to transparency and accountability of the justice system, including judicial integrity, in order to improve its ability to effectively tackle external corruption.

There is an acute shortage of judicial resources and technical capacity on anti-corruption matters. External corruption cases with high-levels of public interest may give judges the opportunity to learn how to address corruption cases. These may include recent procurement cases related to the corruption of health funds and public sector funding, and cases related to the business enabling environment, as outlined in the World Bank Doing Business Report.

Illustrative Intermediate Results:

- Increased transparency and standardization of administrative procedures, including those governing the use of public resources for the judiciary;
- Strengthen internal audit and control mechanisms and/or procurement to reduced opportunities for fraud, waste, and abuse in the justice system;
- Improved case management processes;
- Strengthened accountability of magistrates and judicial professionals (i.e. oversight of personnel and management and disciplinary procedures);
- Enhanced CSM (High Council of Magistrates) ownership of judicial conduct and disciplinary processes;
- Increased knowledge and use of judicial and professional ethics;
- Increased effectiveness of justice sector institutions in tackling corruption;
- Strengthen budget advocacy, planning, management, and execution by justice system;
- Increased technical expertise on specific subjects related to most recurrent corruption issues;
- Strengthened human resources management systems; and

- Increased role of the judiciary in judicial selection and promotion process based on clear and objective criteria.

The potential Offeror/Applicant should propose expected results in line with the objective.

**OBJECTIVE 2: Empowered civil society to demand GDRC commitment to judicial independence and contribute to judicial reform**

Judicial independence will only be achieved through a combination of popular support for an independent judiciary and increased institutional commitment to the judiciary on the part of GDRC. To do so, the potential Offeror/Applicant will identify rule of law champions within government institutions and externally, amongst the private sector, journalists, academia, students, civic movements, and civil society actors to establish, or work with an existing, a network of justice defenders which will support the justice system and build trust between them. This defenders’ network will work together with the judiciary to support it against attack and demand its independence, increased transparency, and adequate resourcing, so that it can play its constitutionally-mandated checks and balances role and fight corruption internally and externally.

Successful implementation will depend on a planned, politically-informed analytical approach for determining whom the potential Offeror/Applicant must involve in achieving reform objectives, and for what purpose, when, and how they must be engaged. The potential Offeror/Applicant must include strategic communications in order to overcome misconceptions among the public and provide useful information for stakeholders - using the information described above in a targeted and effective way to engage stakeholders. As part of this objective, the potential Offeror/Applicant will improve both the quality of information and its availability to local stakeholders and will do so jointly with the stakeholders of this Activity. Strategic communications is a cross-cutting theme closely related to all three of the Activity’s objectives. Interventions under strategic communication may require significant coordination with USAID programming supporting civil society and media.

Illustrative Intermediate Results

- Established or strengthen existing network of champions in the justice institutions and civil society to promote judicial independence and justice system reforms;
- Increased demand for accountability of justice institutions;
- Increased civil society external oversight, feedback, and communication with justice institutions and reform processes; and

- Increased advocacy to the GDRC, overall population, and key stakeholders to increase the DRC's justice budget.

### **OBJECTIVE 3: Increased equal and equitable access to justice for all**

There are numerous factors that contribute to citizens being unable or unwilling to seek justice through the formal court system. This activity aims to address some of the more salient barriers to access by looking at the institutional constraints for access to justice. Furthermore, results under this IR should focus on the development and testing of innovative and sustainable solutions to people-centered justice.

There are numerous factors that contribute to citizens being unable or unwilling to seek justice through the formal court system. The potential Offeror/Applicant must address some of the more salient barriers to access by looking at the institutional and practical constraints for accessing justice. Furthermore, the potential Offeror/Applicant must focus results under this Objective on the development and testing of innovative and sustainable solutions to people-centered justice.

Previous donors' initiatives to increase access to justice for the most vulnerable in the DRC have been limited to providing pro-bono service through legal assistance. Many of these initiatives did not last beyond the life of the project given the lack of GDRC and CSO resources to maintain the activities. Longer term solutions for increased access to justice cannot be found without looking at the overall system, including the options to efficiently and equitably finance an expansion in access to justice. The potential Offeror/Applicant must propose solutions inline with USAID's long standing commitment to sustainable development and resiliency and the DRC context, the key actors, and the future viability of the intervention. The potential Offeror/Applicant must include options for the justice sector to finance sustainable interventions, when relevant.

The potential Offeror/Applicant must identify opportunities to improve justice service delivery within a strengthened justice system based on the consultations with stakeholders in Objective 2 and PEA results. The potential Offeror/Applicant should conduct further analysis and data collection on justice needs and institutional performance, in consultation with USAID, to assess the use of innovative pilot mechanisms (new, existing, or previously piloted interventions) to identify relevant approaches that support sustainable people-centered justice. The potential Offeror/Applicant must also work with the GDRC, judiciary, and relevant local stakeholders to co-design and pilot mechanisms that will increase access to justice for all of the Congolese people.

USAID anticipates that the following areas could emerge to explore innovative and sustainable

justice solutions based on the findings of the stakeholder consultations and PEA: access to justice for the most vulnerable, business enabling environment<sup>2</sup>, or administrative legal issues related to public procurement and service delivery. After consultations and analysis, the potential Offeror/Applicant must identify the proposed interventions, in consultation with USAID.

### Illustrative Results

- Innovative access to justice reforms piloted to increase user-friendly services, delivery and alternative pathways to justice with emphasis on community justice and engagement;
- Sustainability of justice service delivery improved through greater availability and more efficient use of public resources;
- Reduced barriers to justice and increased use of the formal justice system; and
- Increased empowerment and awareness of citizens on their rights and availability; access to formal justice services; and improved data collection and analysis and feedback loops between justice providers, justice seekers and the public in areas of legal problems, user experience, and outcomes.

### **INTERNSHIP PROGRAM**

The potential Offeror/Applicant must develop an internship program for the duration of this Activity, with the aim of improving anti-corruption, access to justice, and judicial reform expertise in current students studying in relevant fields (for example- law, political science, economics, public administration, management). The interns will work along with potential Offeror/Applicant staff on the Activity, both in the potential Offeror/Applicant's office and in implementing activities. Interns must be gender diverse and reasonably balanced between public and private universities. The potential Offeror/Applicant must seek to expand the diversity of applicants, and where possible, include ethnic minorities, persons with disabilities, LGBTQI+, etc. The interns' work and tasks must be substantive in nature, relevant to rule of law, and not less than six months. The structure of the internship program must benefit the applicants professionally in the future. The potential Offeror/Applicant must engage with partner schools to determine if students can receive credit for the internship. The age of interns should comply with local labor law and interns must receive compensation.

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<sup>2</sup> The GDRC has a renewed interest in improving the business environment and promoting entrepreneurship, however several constraints, including limited access to justice, prevent those who want to engage in entrepreneurship.



## **Questions for Industry and Partner Feedback:**

Given the problem statement above:

1. What issues should be a priority in the next five years to improve the functioning of the justice system and its delivery of quality justice services?
2. What efforts should be prioritized in the next five years to improve the transparency and accountability of the DRC justice system?
3. What support is needed to strengthen judicial independence in DRC?
4. What are the obstacles and possible solutions for sustainable people-centered justice in DRC, including financing access to justice?
5. What are the obstacles and possible solutions for better integration of women and youth in the justice sector? And in providing better services for these segments of the population?
6. What is the expected role that civil society can play to support the justice system to become more accountable, transparent, and independent?
7. What should be the role of universities, law students, and interns in the justice system in DRC to contribute to improved access to justice and justice reform?
8. Given the volatile political context in DRC, what approaches are best suited to achieve results in the justice sector?

**ATTACHMENT 2:**

**Expression of Interest Response Form**

RFI/EOI No.

**GENERAL INFORMATION**

Name of the Organization:

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Address:

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Contact Person:

Name: \_\_\_\_\_

Position Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Type of Organization:

-US Organization (other than small business)

US Small Business - (Please indicate type \_\_\_\_\_)

International Organization

-Non-US Organization (Please indicate: \_\_\_\_\_)