

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

P.O Box 6274 Arusha, Tanzania - Telephone: +255 732 979506/9; Fax: 255 732 979503

Website: www.african-court.org Email : registrar@african-court.org

**SUPPORT FOR THE IMPLEMENTATION OF RECOMMENDATIONS OF THE SECOND
AFRICAN JUDICIAL DIALOGUE**

**Consultancy Service to Propose a Model for the Establishment of an African
Judicial Network**

**ARUSHA
THE UNITED REPUBLIC OF TANZANIA**

**Starting date of advertisement
for consultancy:**

12 July 2017

**Deadline for submission
Of consultancy proposals:**

11 August 2017

Requirements:

Submit a detailed technical proposal, including the Curriculum Vitae of proposed consultant(s) and the proposed approach and methodology to:

The Procurement Unit

The African Court on Human and Peoples' Rights

P.O. Box 6274

Arusha

TANZANIA

Tel: +25527 2970430//2/3/4

E-MAIL: procurement@african-court.org

The above address is also to be used for seeking clarifications relating to this call for proposals

TERMS OF REFERENCE
ESTABLISHMENT OF AN AFRICAN JUDICIAL NETWORK

1. INTRODUCTION

Project Objectives: The objective of the project is to create a platform for formal collaboration between courts and other judicial bodies on the African continent. The envisaged collaboration will be between and among national, regional, continental and international courts and national judicial institutions. It is envisaged that once the formal collaboration is implemented through the proposed judicial network, courts of African Union Member States and African Union Regions will work together in finding solutions to challenges they face in upholding the rule of law and the promotion and protection of human and peoples' rights. The judicial bodies will also assist one another in various efforts to reform and strengthen their judiciaries. It is also envisaged that the African judicial bodies will share their best practices and jurisprudence with one another in order to ensure that together, they foster respect for the rule of law, delivery of an accessible, impartial and expeditious justice to the African people.

The Project consists of the following activities:

Research: To conduct research on the history, structure, mandate and other features of the Latin American, Asian, European and other judicial networks.

Draft model: To propose a model that would be suitable for African judicial bodies. This draft will be submitted together with a clear proposal that identifies and presents the differences and/or similarities in the models of the continents and/or regions studied as well as their advantages and disadvantages to facilitate discussion on the best model for an African network.

Project Beneficiaries: Project beneficiaries include African judicial bodies and the African Court on Human and Peoples' Rights.

Project period: The implementation period of the project is 1 September to 3 November 2017.

African Court on Human & Peoples' Rights (the Court):

The African Court on Human and Peoples' Rights (the Court) was established by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Protocol), adopted in June 1998 by OAU members, in Ouagadougou, Burkina Faso. The Protocol came into force on 25 January 2004. The first judges of the Court were elected in January 2006, in Khartoum, Sudan, and were sworn in before the AU Assembly on 2 July 2006, in Banjul, The Gambia. The Court officially started operations in Addis Ababa, Ethiopia, in November 2006 and in August 2007, moved to its permanent seat in Arusha, Tanzania.

2. BACKGROUND OF THE PROJECT

In October 2010, the Court organized a Colloquium of African Human Rights Institutions bringing together the main African Union human rights Organs and Representatives of Regional Courts. In November 2013, the Court organized the First Continental Judicial Dialogue bringing together participants from the October 2010 Colloquium and representatives of superior courts of national judiciaries. The African Union has adopted the Continental Judicial Dialogue as one of its programmes to be implemented biennially. During discussions at the Second Judicial Dialogue held in November 2015, participants agreed that there is need for engagement between African national, regional, continental and international courts and judicial institutions.

At the conclusion of the Dialogue, the participants recommended that the African Court on Human and Peoples' Rights should initiate several activities that would create a platform for African judicial bodies to engage with each other. It is envisaged that meaningful engagement will guide the judicial bodies in their role to serve African citizens better, by granting them easy access to justice and by protecting their human rights. It was in this regard that the Dialogue recommended the establishment of an African Judicial Network.

3. OBJECTIVE OF THE SERVICE

The main objective of the service is to undertake research into judicial networks of different continents/regions, with a view to proposing a model for a network of African judicial bodies.

The proposed model and draft statute or other suitable legal instrument(s) for the network will then be sent to the African judicial bodies for comments and inputs before it is finalized.

Other specific objectives include:

- i. To develop a draft model for an African judicial network;
- ii. To set out clear recommendations on the model being proposed;
- iii. To provide the Court with a progress report after the first month of the start of the project;
- iv. To provide a brief summary in the progress report, of work done and work that remains to be done;
- v. To incorporate comments from the African judicial bodies and finalize the draft model;
- vi. To draft the statute or other suitable legal instrument(s) for the establishment of the network;
- vii. To facilitate workshops that will be held for validation of the model and statute.

4. SCOPE OF SERVICES

The scope of the consultancy will cover a research on the existing continental and/or regional judicial networks, development of a draft model and statute or other legal instrument(s) for the proposed African judicial network and incorporation of comments and recommendations received from African judiciaries on the draft model and other legal instrument(s). The consultant will also be expected to facilitate workshops and meetings held to validate these draft documents.

5. QUALIFICATION OF SERVICE PROVIDER EXPERT

Individual bidders (bidding either singly or jointly with others) or individual(s) affiliated with a bidding institution/firm (institution/firm includes a company, a joint venture, a partnership or a non-governmental organization/not-for profit organization) are required to have the following qualifications:

- i. A Master's Degree in International or Human Rights Law or Law and Business Administration;
- ii. Demonstrable knowledge of the functions, dynamics and complexities of judicial institutions;
- iii. Proven experience in analysing, designing and preparing, through participatory approaches, the financial and operational systems of international organisations' or international judicial institutions' or international Non-Governmental Organisations;
- iv. Proven experience working with African continental or regional organisations will be desirable;
- v. Ability to work with minimum supervision;
- vi. Ability to engage in at least two working languages of the African Union is preferred.

6. DESIRED OUTCOMES AND RESPONSIBILITY

By the end of the Consultancy, the African Court expects to be presented with a draft model for the establishment of an African judicial network and the draft statute or legal instrument(s) for the African Judicial Network.

7. AFRICAN COURT SUPPORT :

The African Court will be responsible and will endeavor to support the Consultant by:

- Providing all the necessary information and guidance to the Consultant;
- Facilitating access and communication with the staff of the Court and representatives of African judicial bodies and other continental judicial networks as necessary;
- Providing sufficient workspace to accommodate onsite visits.

8. Reports and Schedule of Deliverables

The Consultancy Services should be completed within 45 working days spread over the period from September to November 2017, inclusive of the time for consideration of the draft model by African judicial bodies. The following indicates the time table and the required deliverable under the assignment.

Timetable for the Consultant(s)	
Various steps	Duration (working days)
Review of the existing continental and/or regional judicial networks	20 days
Draft of a model for Africa and progress report to the Court	10 days
Incorporation of comments and recommendations from African judicial bodies	15 days
TOTAL	45 days

9. Consultancy Fee

The consultancy fee is a lump sum of 30,000 USD to be paid in three installments as follows:

1. The first installment (10,000 USD) will be paid at the start of the project.
2. The second installment (10, 000 USD), will be paid following submission of a progress report within the first month from the start of the project; and
3. The remaining balance will be paid upon submission of the final report and validation of its findings.

Sincerely,

Dr Robert Eno

Registrar of the Court

