



TERMS OF REFERENCE (ToRs)

BETWEEN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (COURT) AND CONSULTANT FOR DEVELOPING A LEGAL AID FRAMEWORK FOR THE COURT

1. General

Post Title:	Consultant (Legal Aid Framework)
Duration:	3 months
Location:	Arusha, Tanzania
Starting date of advertisement for consultancy:	14 th June 2010
Deadline for submission of consultancy proposals:	14 th July 2010
Requirements:	Please submit a financial and technical proposal
For any clarifications:	Please contact: The African Court on Human and Peoples' Rights P.O. Box 6274 Arusha TANZANIA



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2. Background – The African Court on Human and Peoples' Rights

The African Court on Human and Peoples' Rights (AFCHPR/Court) was established on 9 June 1998 by the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Protocol). The Protocol came into force on 25 January 2004 paving the way for the operationalisation of the AFCHPR. It is the first continental judicial body charged with the responsibility of ensuring that the provisions of the African Charter on Human and Peoples' Rights, adopted on 27 June 1981, are respected and observed.

The Court was launched on 2 July 2006 with the objective of further strengthening the system of human and peoples' rights protection on the continent. The Court complements the protective mandate of the African Commission on Human and Peoples' Rights (Commission). The Court has its seat at Arusha, in the United Republic of Tanzania.

Within the framework of enhancing African citizens' access to the Court, the Court wishes to develop a Legal Aid Scheme supported by the European Union as part of its African Union Support Programme.

3. Purpose of the Assignment

This task seeks your professional guidance and input as an external consultant for the development of a Legal Aid Scheme for the Court.

4. Tasks for the Consultant



- a) Develop a scheme for the provision of Legal Aid at the Court
- b) Develop a model for financing the Legal Aid Scheme
- c) Develop draft rules for management of the Legal Aid Scheme and for provision of legal aid
- d) Develop a Users' Guidance Note for the Legal Aid Scheme

5. Scope of Work

The scope of the assignment is to carry out the aforementioned task, that involves, research and analysis and participatory dialogues with stakeholders within and outside the Court.

6. Task Activities

The Consultant will undertake the following activities:

- a) Desk study of legal aid schemes at comparable international courts (Inter-American Court of Human Rights, European Court of Human Rights, African regional Courts) and if necessary, of legal aid schemes of at least two Courts of last instance of African Union Member States.
- b) Based on this desk study, development of a concept note of possible models for the legal aid scheme and the establishment costs and running costs associated with each model (draft concept note on the Legal Aid Scheme).
- c) Development of a concept note of the funding options for the Court's Legal Aid Scheme
- d) Development of a strategy of fund-raising for the Legal Aid Scheme.
- e) On the basis of the desk study aforementioned, development of rules for the management of the Legal Aid Scheme and the provision of legal aid.
- f) Development of a guidance note for potential users of the Legal Aid Scheme.



- g) Facilitate the consultation and validation workshops on the draft concept note on the Legal Aid Scheme, the consultation workshop in respect of the draft concept note on funding options, draft fund-raising strategy, draft rules and draft Users' Guidance Note for the Legal Aid Scheme.
- h) Prepare and submit a consultancy report to AFCHPR

7. Key Outputs

- Legal Aid Scheme for the Court
- Budget for the Legal Aid Scheme
- Concept note on funding options for the Legal Aid Scheme
- Fund raising strategy for the legal aid scheme
- Draft rules for the management of the Legal Aid Scheme and provision of legal aid
- Legal Aid Scheme Users' Guidance Note
- Power-Point presentation on the draft concept note on the Legal Aid Scheme, draft concept note for funding options, draft fund-raising strategy, draft rules and draft Users' Guidance Note for the Legal Aid Scheme for use during the consultation workshops
- Consultancy report

8. Approach / Methodology

In preparing the key outputs, the consultant will compile and analyse all relevant primary and secondary source materials and integrate relevant responses using detailed qualitative data from the Court and other relevant institutions and



individuals. The consultant will facilitate all consultation and validation workshops organised for the discussion and validation of the key outputs.

9. Qualifications

The consultant should possess the following qualifications:

- a) At least a Doctorate in International Human Rights Law or in International Law
- b) Demonstrable knowledge of the functions, dynamics and complexities of international organisations or international judicial institutions.
- c) Proven experience in management and administration of international organisations or international judicial institutions.
- d) Proven experience in analysing, designing and preparing, international organisations' or international judicial institutions' operational systems through participatory approaches.
- e) Practical experience working with African continental or regional organisations.
- f) Fluent in at least one of the working languages of the Court (English or French)

10. Timing

The assignment will be for a total period of three (3) months, spread over the period running from 14th July 2010 to 14th November 2010.

Step	Activity	Date/Time Frame
1	Receiving, reviewing and reading the ToRs and respective background documents	1 day
2	Work on Draft Inception Report	2 days



3	Submit and discuss Draft Inception Report with AFCHPR	1 day
4	Submit final Inception Report that includes the received comments from AFCHPR	1 Day
5	Following satisfactory submission and approval of the final Inception Report to AFCHPR, undertake research, review and analysis to develop a draft concept note on possible models for the legal aid scheme as well as the costing for each model (draft concept note on the Legal Aid Scheme)	1 month
6	Discussion by the AFCHPR of the draft concept note on the Legal Aid Scheme models.	2days
7	Incorporate AFCHPR's comments to the draft concept note on the Legal Aid Scheme.	3 days
8	Present the draft concept note on the Legal Aid Scheme adopted by the AFCHPR (excluding the budget proposals thereto) to a consultative workshop with external stakeholders and potential users	(1day)
9	Incorporate comments from the external stakeholders and potential users to the draft concept note on the Legal Aid Scheme	(3 days)
10	Research, review and analysis to develop a draft concept note on funding options, draft fund-raising strategy, draft rules and draft Users' Guidance Note for the Legal Aid Scheme	(1 month)
11.	Present the draft concept note on funding options, draft fund-raising strategy, draft rules and draft Users' Guidance Note for the Legal Aid Scheme for discussion by AFCHPR	(3 days)



12.	Incorporate AFCHPR's comments to the draft concept note on funding options, draft fund-raising strategy, draft rules and draft Users' Guidance Note for the Legal Aid Scheme	(3 days)
13	Submit/present to AFCHPR the final report on the Legal Aid Scheme, budget, financing model, fund-raising strategy, rules and Users' Guidance Note for the Legal Aid Scheme and a consultancy report	10 days
	Total	Three months

11. Reporting Line

The consultant is responsible to the Court through the Project Manager of the European Union Support Programme to the Court.

12. Payment

AFCHPR shall pay a lumpsum US\$ 40,987.62 (United States Dollars; forty thousand, nine hundred eighty seven; cents sixty two only), payable as per the following schedule:

- 30 per cent at the inception stage
- 30 per cent upon submission of draft documents (draft concept note on the Legal Aid Scheme, draft concept note on funding options, draft fund-raising strategy, draft rules for management of the Legal Aid Scheme and draft Users' Guidance Note)
- 40 per cent upon submission of the final documents and consultancy report.



- While on authorized mission on behalf of the Court, the consultant shall be entitled to an economy class air ticket and Daily Subsistence Allowance (DSA) at the UN rate

13. Confidentiality

The consultant will not reveal or publish any information that comes to his or her knowledge in the course of this consultancy to any unauthorised person without the prior written consent of the AFCHPR.

14. Copyright

The copyright of all instruments, data and reports produced as part of the exercise undertaken under this ToRs shall vest in the AFCHPR.

15. Notes

- The AFCHPR shall avail all relevant documents within its possession and reach and that are not subject to confidentiality, for analysis by the consultant.
- The AFCHPR shall organize the consultation workshops.
- The consultant shall deliver all materials in soft and hard copies and all documents should be in MS Office formats (Word, Excel and Power Point).