Terms of reference (ToR) for Senior Research Consultants (2)

PANAF/2020/419-773: Reinforcing the Role of ACHPR to Enhance the African Human Rights System

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List of abbreviations

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<tr>
<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
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<td>AGA</td>
<td>African Governance Architecture</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<td>EU</td>
<td>European Union</td>
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<td>PANAF</td>
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1. Context

The African Commission on Human and Peoples’ Rights (ACHPR) is an Organ of the African Union (AU) established by the African Charter on Human and Peoples’ Rights (the African Charter). The ACHPR’s Secretariat is in Banjul, The Gambia. It is the oldest and most accessible continental human rights treaty body in Africa. The ACHPR is mandated to promote and protect human and peoples’ rights in Africa, interpret the African Charter and to perform any other tasks which may be entrusted to it by the AU Assembly of Heads of State and Government. In this regard, the ACHPR carries out sensitization, public mobilization and information dissemination through seminars, symposia, conferences, workshops and missions in execution of its human rights promotion mandate. Within the framework of its protection mandate, the ACHPR ensures protection of human and peoples’ rights through its communication/human rights complaints handling procedure, amicable settlement of disputes, referral of cases to the African Court on Human and Peoples’ Rights, state reporting (including consideration of Non-Governmental Organizations’ shadow reports), provisional measures, urgent appeals and other activities of special rapporteurs and working groups and missions. With regards to the interpretation of the African Charter, the ACHPR is mandated to interpret the provisions of the Charter upon a request by a State Party, Organs of the AU or individuals.

The Commission consists of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights. Members of the Commission are elected for a six-year term and are eligible for re-election. The Commission elects a Bureau for a term of two years, which is responsible for coordinating the activities of ACHPR, including supervising and assessing the work of the ACHPR Secretariat.

Apart from the members of the ACHPR, the main actors involved in the work of the ACHPR in promoting and protecting human rights on the continent include: State Parties to the African Charter; AU organs; NGOs; National Human Rights Institutions; individuals (complainants); the general public, including those who consult the ACHPR as a mechanism for the promotion and protection of human rights in Africa; academic institutions, researchers and students; the media; international institutions, and the donor community.

Notwithstanding the efforts and achievements made since it was created, the ACHPR has been facing a number of challenges in the execution of its mandate, which to an extent resulted in its sub-optimal performance. One of the ways for the ACHPR to overcome such challenges is to build strategic partnership with AU and international...
institutions with a focus on human rights and good governance. Indeed, Article 45(1)(c) of the African Charter empowers the African Commission on Human Rights and Peoples’ Rights to co-operate with other African and international institutions concerned with the promotion and protection of human and peoples’ rights while Article 136 of the ACHPR’s Rules of Procedure (2020) provides that the ACHPR, in fulfilling its mandate, shall establish formal relations of cooperation as necessary with all African Union (AU) organs and institutions that have a human rights mandate. African Union organs and institutions with human rights mandates are gathered under the African Good Governance Architecture (AGA).

AGA members received funding from the EU under the Pan-African Programme (PANAF) to reinforce the AGA Platform’s role to enhance the African Human Rights System. One key component of the PANAF Grant is to boost the ACHPR’s staffing capacity, which over years has been a major area of concern and setback in the work of the Commission. Thus, the PANAF Grant aims to enable the ACHPR to recruit well-qualified consultants/ experts and professionals on the basis of short-term consultancies to support the work of the Commission.

2. Objective of this assignment

It is against the above background that the ACHPR, under the EU-AGA SP Project, seeks to recruit **Two (2) Senior Research Consultants** with the objectives to:

i. Develop Secretariat high quality research reports, as assigned by the Secretariat to the Commission.

3. Tasks to be performed by the Consultant

The Senior Research Consultant is expected to:

i. Undertake research into thematic human rights issues of interest to the African context;

ii. Analysing data and information from countries and other sources as required;

iii. Draft high-quality research reports

iv. Perform any other duties as may be assigned.

4. Timelines and Deliverables

The consultancy services shall be delivered up to 22 working days over a period of one month. The assignment is envisaged to begin on 20th of December 2021 and end on 18th January 2022.
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<th>Description of Tasks</th>
<th>Timelines (Working Days)</th>
<th>Expected Deliverables</th>
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<tr>
<td>Participation in the inception meeting with ACHPR Secretariat</td>
<td>1 Day</td>
<td>Inception report covering the work program, time schedule and methodology</td>
</tr>
<tr>
<td>Reading through cases/ communications or other documents handed to the researcher for research study</td>
<td>5 Days</td>
<td>Summary of major issues for research on cases /communications/ documents/ for the research to be carried out by the Consultant</td>
</tr>
<tr>
<td>Working on the first drafts of research assignments</td>
<td>5 Days</td>
<td>Presentation of the first drafts and getting comments from Legal Unit</td>
</tr>
<tr>
<td>Reviewing research study drafts and integrating comments from Legal Unit</td>
<td>2 Days</td>
<td>Presentation of the second drafts for comments from Legal Unit</td>
</tr>
<tr>
<td>Cleaning and finalizing the second research drafts</td>
<td>9 Days</td>
<td>Submission of minimum two (2) Final Drafts on research studies conferred to him/her</td>
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5. Technical Concept

In the bid, the Consultant is required to show how the objectives defined in (2) are to be achieved, if applicable under consideration of further specific method-related requirements (technical-methodological concept).

6. Minimum Experience and Qualification/Consultant profile

The Consultant is required to provide an up to date CV and should satisfy the following:

- **Education/training:** Bachelor’s degree in Law, Political Science, International Relations or other related disciplines with a minimum of five (5) years postgraduate work experience in related field. Holders of a Master’s degree in Law, Political Science, International Relations or other related disciplines must have a minimum of two (2) years postgraduate work experience. Candidates must have a minimum of two (2) years of relevant practical experience,
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preferably within a major Government, International Organization, Public or Private sector organization.

- **Language:** Fluency in at least one of the AU working languages (English, French, Arabic and/or Portuguese).
- **General professional experience:** At least a minimum of five (5) years of relevant practical experience, preferably within Government, International Organization, Public or Private sector organization.
- **Specific professional experience:** An in-depth understanding of the African human rights system and of comparative or international human rights law, good knowledge of the African Union policies and procedures; sound critical thinking, strong analytical skills and ability to prepare legal submissions and opinions and excellent research, report writing and drafting skills
- **Regional experience:** Demonstrable experience working with international or AU human rights organs is desired.

*7. Duration of the Assignment and Reporting Line*

As indicated above, this consultancy is expected to be completed in 22 working days with flexible remuneration. The Consultant will be expected to physically assume tenure at the ACHPR Headquarters in Banjul, The Gambia. The Consultant will work under the supervision of the Acting Secretary of the ACHPR.

*8. Payment schedule*

The project fee will be of an all-encompassing amount of 5,200.00 €.

i. 20% of the total fee be paid upon signing of the contract
ii. 80% of the project fee will be paid up on successful delivery of the final deliverable.

Should the consultant fail to deliver results in any of 5 (five) deliverables then ACHPR will be mandated to withhold payment.

*9. Inputs of ACHPR or other actors*

The ACHPR Secretariat will be responsible for and will endeavour to support the Consultant by:
- Enlisting the support of the concerned Secretariat Units;
- Facilitating access to all required information and documentation; and
- Committing to ensure the assignment is completed within the agreed timelines.
10. Requirements on the format of the bid

The structure of the financial offer must correspond to the structure of the ToR, submitted in English. Please calculate your price bid based exactly on the aforementioned costing requirements. In the contract, the contractor has no claim to fully exhaust the days budget. The number of days and the budget amount shall be agreed in the contract as ‘up to’ amounts.

11. Submission of the bid

Complete bids may be submitted to achpr.humanresources@africa-union.org with the subject line “Bid for Short-Time Senior Research Consultant”. 