



CONSULTANCY TO UNDERTAKE AN ANALYSIS OF AN ACERWC DECISION ON A CASE CONCERNING CAMEROON, WITH PROPOSALS FOR ITS IMPLEMENTATION AT THE NATIONAL LEVEL

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| Contracting Authority | Institute for Human Rights and Development in Africa (IHRDA) |
| Funding | This consultancy is within the framework of Open Society Foundations (OSF) Grant No. OR2022-87062 supporting IHRDA’s project, ‘Strengthening States’ Accountability for Human Rights Violations through Implementation of Decisions of African Human Rights Treaty Monitoring Mechanisms.’ |
| Duration of Consultancy | One (1) Month |
| Expected Start Date of Consultancy | 1 October 2023 |

TERMS OF REFERENCE

1. Introduction and Background

The Institute for Human Rights and Development in Africa (IHRDA) is a Pan-African non-governmental organization established in 1998, based in Banjul, The Gambia, and working across Africa to promote and strengthen the use and effectiveness of the African Human Rights System. IHRDA offers pro bono legal counsel to victims of human rights abuses and represents them before regional and domestic judicial mechanisms. IHRDA also conducts training workshops and other capacity-building activities for State and non-State actors in the promotion and protection of human rights; and contributes to facilitate access to relevant information to support the work of actors and stakeholders in the promotion and protection of human rights on the continent. Over the years, IHRDA has carried out projects at national, sub-regional and regional levels in Africa touching on human rights, access to justice and accountability issues, including issues related to social and economic rights. In recognition of its contribution to the promotion of human rights in Africa, IHRDA was awarded the 1st runner-up prize for the African Human Rights CSOs Award of the African Commission on Human Peoples’ Rights in 2012.

Leveraging on its longstanding cooperation with the African Human Rights System, IHRDA has been instrumental in supporting the work of the principal human rights treaty bodies, namely: the African Commission on Human and Peoples’ Rights (ACHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the African Court on Human and Peoples’ Rights (AfCHPR) and the Economic Community of West African States Community Court of Justice (ECOWAS Court), particularly in advocating for implementation of their decisions at the national level. Having litigated landmark cases before these organs, IHRDA has been instrumental in supporting the follow-up on the implementation of their decisions to primarily ensure the victims for whose benefit the decisions are given receive justice for the wrongs suffered and also to ensure the necessary legal, policy, administrative and structural reforms to prevent further human rights violations. However, the slow pace and/or reluctance by States to implement decisions remains a major setback to the African Human Rights System.

It is therefore in this regard that Open Society Foundations is supporting IHRDA within the framework of Grant No OR2022-87062 to advocate for the implementation of selected decisions of the human rights organs with the respective Member States concerned. The objective of this initiative is to strengthen accountability and access to justice for human rights violations in Africa through increased compliance of States with decisions of mechanisms in the African Human Rights System. Consequently, this consultancy aims to generate working documents to inform a non-confrontational multi-stakeholder engagement for increased compliance of States with decisions of regional human rights mechanisms in made against the States concerned.

2. Objective of the Consultancy

The purpose of this consultancy is to undertake an in-depth analysis of the selected decision, clearly explaining each recommendation in the decision, highlighting the feasibility of implementation, including the challenges and opportunities for implementation, with proposals for implementing the recommendations, mindful of the specific context of the country with regard to incorporation of foreign/external judicial decisions into the domestic legal contexts.

3. Scope of the Consultancy

The Consultant will conduct an in-depth analysis of the decision listed in section 4 below, its reasoning and recommendations to be implemented by the State. The analysis will also map out and document the main aspects of the recommendations and make proposals for any relevant legislative reforms, policy interventions, administrative measures and structural reforms for consideration by the State Party. The Consultant will then present the analysis report to IHRDA.

4. Selected Decision

| No. | Title of Decision | Subject Matter | State | Mechanism |
|-----|---|----------------------------------|----------|-----------|
| 1 | FGI and IHRDA (on behalf of TFA) v Cameroon | Sexual and Gender Based Violence | Cameroon | ACERWC |

5. Tasks to be Performed by the Consultant

Based on the objectives and scope defined in sections 2 and 3 above, the Consultant will:

- i. Consult with the Executive Director of IHRDA to clarify the scope and expectations for the Consultancy, and agree on the methodology for the analysis and structure of the report;
- ii. Undertake the analysis and submit a draft report on the decision to the Executive Director for review by IHRDA;
- iii. Incorporate comments from IHRDA into the draft report and submit a final version to the Executive Director.

6. Deliverables and Timeframe

This Consultancy is expected to be completed in **one (1) month**. Key milestones to note are as follows:

| Deliverable | Timeframe |
|--|---|
| Consultation with IHRDA Executive Director to clarify scope and expectations for the Consultancy and agree on the methodology and structure of the analysis report | 1 day prior to commencement of the Consultancy. |
| Conduct of analysis and submission of first draft of analysis report | Two (2) weeks from start of consultancy. |
| Review of draft report by IHRDA | Within one (1) week of receipt of the first draft of the analysis report. |
| Incorporation of comments and observations from IHRDA and submission of final analysis report. | One (1) week after receipt of IHRDA comments and observations. |

7. Profile of Consultant

The suitable consultant must meet the following criteria:

- Hold a post-graduate degree in law and/or international law, human rights, international relations, or a relevant social science related field;
- Extensive social science research skills, and experience in undertaking legal and policy analysis;
- Excellent knowledge of and familiarity with the African human rights system, its organs and their procedures and processes;
- Excellent knowledge of and familiarity with the legal and political system as well as the socio-cultural context of Cameroon;
- Excellent knowledge of the governance structure, institutions, policy environment, civil society and human rights community in Cameroon;

- Good understanding of the importance of human rights mainstreaming in national economic, social, cultural and political agendas;
- Ability to deliver to satisfaction within tight deadlines.
- Good interpersonal skills;
- Good proficiency in English and French (the report could be in English or in French).

8. Reporting

The Consultant will report to the Executive Director of IHRDA who will be the key contact for the assignment.

9. Submission of Applications

Submission of application is as follows:

- The complete application should include:
 - A cover letter (demonstrating an understanding of the terms of reference and the personal capacity relevant to the assignment);
 - A CV;
 - Relevant academic qualifications;
 - A proposed methodology and structure for the analysis report;
 - A proposed budget, showing breakdown of costs;
 - Contacts of at least 2 referees, preferably from organizations for which similar assignments have been accomplished by applicant;
 - Samples or links to relevant samples of analysis reports developed by the applicant;
 - Any other material/information deemed necessary to support the application;
- All files should be in PDF format;
- Complete applications should be submitted via email to ihrda@ihrda.org and copied to efoley@ihrda.org, with the subject line: “Analysis of Decision on Cameroon”, no later than **Wednesday, 20 September 2023 at 1700hrs GMT**.

NB: Only shortlisted candidates will be contacted.