



REQUEST FOR EXPRESSION OF INTEREST (REOI)

(CONSULTING SERVICES- INDIVIDUAL CONSULTANT)

Project Name:

**ASSIGNMENT TITLE: - Study on the Extent of Implementation of the ACHPR Soft
Laws on Access to Information in Africa**

PROCUREMENT NUMBER: **EOI ACHPR/AUC/IS/04/2024**

REQUEST FOR EXPRESSIONS OF INTEREST: **Individual Consultancy - Study on the Extent
of Implementation of the ACHPR Soft Laws on Access to Information in Africa**

CLOSING DATE: 27th OCTOBER 2024

1. The African Union has received financing from the European Union to fund an Individual Consultant to undertake a **Study on the Extent of Implementation of the ACHPR Soft Laws on Access to Information in Africa**.
2. This expression of interest is for the purpose of engaging an Individual consultant for the above-mentioned study.

Introduction:

3. The African Commission on Human and Peoples' Rights (the Commission), as a member of the African Governance Architecture (AGA), has received funding from the European Union (EU) under the Pan-African Program (PANAF), to reinforce the AGA Platform's role in enhancing the African human rights system and intends to apply part of the proceeds for consulting services.
4. This request for the expression of interest is prepared to engage an Individual Consultant to conduct a **Study on the Extent of Implementation of the ACHPR Soft Laws on Access to Information in Africa**.

Background:

5. Established in 1987, the Commission is instrumental in promoting and protecting human rights throughout Africa, engaging in awareness-raising, information dissemination, research, and partnerships, and evaluating State reports to ensure adherence to human rights obligations in accordance with the African Charter on Human and Peoples' Rights (the African Charter).
6. In performing its duties, as mandated by Article 45 of the African Charter, the African Commission identified the need for a dedicated focus on specific human rights issues which are complex, pervasive, or present particular challenges within the African context. To this end, it has established special mechanisms which allow for a nuanced approach to human rights protections. Accordingly, the [special mechanism](#) on freedom of expression and access to information in African monitors, promotes and protects the rights enshrined in Article 9 of the African Charter.
7. Article 9(1) of the African Charter provides that "every individual shall have the right to receive information." In view of the importance of the right of access to information in Africa, not merely as a corollary of the right to freedom of expression but as a fully-fledged right in itself, the Commission adopted a number of soft law documents to enhance promotion and protection of the right to access information, including the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), the [Guidelines on Access to Information in Africa](#), and the [Model Law on Access to Information for Africa](#).
8. Since the adoption of these soft law documents, the Commission, through the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur), wishes to evaluate how effectively the right of access to information has been implemented across Africa, including the integration of standards established by the Commission's soft law instruments into national legislation.
9. In fulfilment of this, the Commission adopted [Resolution ACHPR.Res.581 \(LXXVIII\)2024 on the need for a study on the extent of implementation of the ACHPR soft laws on access to information in Africa](#). The Resolution noted that despite the potential of access to information legislation to foster good governance through enhancing transparency, accountability and the participation of persons in public affairs, including exposing corruption and issues associated with underdevelopment on the continent, the adoption of national legislation on access to information in Africa has not progressed meaningfully. In view of this, the Resolution mandates the Commission to undertake a study on the extent of implementation of the Commission's soft laws on Access to information in Africa.

10. Accordingly, the Commission invites researchers to submit applications for a consultancy to develop this study on the extent of implementation of the Commission's soft laws on Access to information in Africa.

Objective:

11. The main objective of this study is to establish the extent of implementation of the ACHPR soft laws on access to information in Africa.
12. The specific objectives of the Study are to:
 - i. assess the implementation and practical application of non-binding "soft laws" adopted by the Commission related to the right of access to information by African States.
 - ii. evaluate how these soft law instruments are being integrated into national laws and practices.
 - iii. Assess the extent to which they effectively facilitate the public's right to information.
 - iv. highlight gaps, if any, in the application of the soft law instruments.
 - v. Propose actionable recommendations which will contribute to enhanced promotion and protection of the right to access information.

Scope of Work and Major Duties and Responsibilities:

13. Reporting to the Special Rapporteur, and the Executive Secretary of the Commission, the Consultant will develop a Study, and the assignment will comprise:
 - Activity 1 – Desk Review: Conduct a desk review on access to information laws in Africa, in addition to identifying implementation of the Commission's soft laws on access to information.
 - Activity 2 – Key Informant Interviews: Undertake interviews with key informants to gain insights into the practical application and impact of access to information laws. These interviews will help identify challenges, successes, and areas for improvement in the implementation of the Commission's soft law documents. The informants may include: Information commissions; CSOs; ATI experts, among others.
 - Activity 3 – Drafting the Study: Considering the information identified in Activity 1, including best practices and challenges, draft a Study which will assess the implementation of the Commission's soft law documents on the right of access to information in Africa.
14. In addition to the above, the Consultant should:

- ➔ Submit a layout proposal, within seven (7) days of the consultancy, indicating the approach/methodology and outline of the Study.
- ➔ Communicate regularly with the Commission's Secretariat, through the designated Legal Officers, to provide an update on the Study, in addition to receiving and incorporating feedback on the draft study.
- ➔ Submit and present the draft study to the African Commission on Human and Peoples Rights, and expert members of the Working Group on Indigenous Populations/Communities and Minorities in Africa, and relevant stakeholders for their review, and validation.
- ➔ Submit the final draft of the Study at the end of the Consultancy.

Ultimate Result of Consultancy Service:

15. The ultimate result of this Consultancy service is a study on the extent of implementation of the ACHPR soft laws on access to information in Africa, which will become the property of the African Union, through the Commission. The Consultant will have no claim over it.

Institutional and Organizational Arrangements:

16. The Consultants will report direct to the Executive Secretary to the Commission, acting on behalf of the Special Rapporteur on Freedom of Expression and Access to Information in Africa.

Qualification and Experience:

- (a) Bachelor's Degree or Master's Degree in Law, International Human Rights law.
- (b) Seven (7) years or more of relevant experience in conducting research and publications on related topic in the Africa context.
- (c) Demonstrable knowledge of the African human rights system, freedom of expression and access to information.
- (d) Experience working with the Commission's Special Rapporteur on Freedom of Expression and Access to Information in Africa.
- (e) Excellent interpersonal skills and ability to coordinate effectively between multiple institutions.
- (f) Excellent command of English, fluency in any other working language of the African Union will be an added value.

Contract Duration:

17. The Consultancy service is for a period of 30 working days, from 30 October 2024 to 30 November 2024.

Application requirements:

18. Prospective applicants are requested to submit the following:

- Expression of interest (2 pages max).
- A curriculum vitae of no more than five pages.
- A sample of the applicant's previous work of similar nature.
- A proposed methodology for conducting the research and preparing the Study (1-page max).
- Names, e-mail addresses and telephone details of three referees.

Evaluation and Qualification Criteria:

- (1) General experience - 10 Points
- (2) Specific experience relevant to the assignment - 50 Points
- (3) Educational qualification - 30 Points
- (4) Language - 10 Points

19. The African Union Commission invites eligible applicants to submit applications for the Consultancy. Selection will be conducted in accordance with the African Union Procurement Manual through individual Consultancy Selection Method.

Deadline:

20. Applications should be submitted to the Email address indicated below, before **17:00hrs (GMT), 27th October 2024.**

African Commission on Human and Peoples' Rights

Attn: Executive Secretary

The African Commission on Human and Peoples' Rights

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