

CONCEPT NOTE & CALL FOR EXPRESSION OF INTEREST

HUMAN RIGHTS REPORT 2017

STUDY ON THE PROFILE AND STATUS OF WOMEN IN JUDICIARIES IN EAST AFRICA

Introduction

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-partisan, Non-profit, organization, whose members are drawn from the Bar as well as the Bench. The ICJ Kenya is a section of the International Commission of Jurists whose headquarters are in Geneva, Switzerland. The ICJ Kenya mission is to protect human rights, and promote the rule of law and democracy in Kenya and across Africa through the application of legal expertise and adherence to international best practices. The organization has a vision to be a premier organization promoting a just, free and equitable society.

ICJ Kenya is undertaking a project that seeks to strengthen the judicial implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol). The specific objectives are to: strengthen the technical capacities of judicial officers in East Africa on interpretation and application of the Protocol; support increased women representation in regional judiciaries, through the following activities: and, enhance general awareness on the relevance of the Protocol.

Background

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (the Maputo Protocol), was adopted on July 11, 2003 to complement and strengthen the articles of the African Charter related to the protection and promotion of women's rights. It is an important instrument of reference given its broad provisions that seek to protect the rights of women, and it is a symbol of the commitment of African States' to end discrimination, violence, gender stereotypes against women and other violations against women.

Thirty-six countries had ratified the protocol, including all states in Eastern Africa region save for Eritrea, Ethiopia, Sudan, and South Sudan. Moreover, the Constitutions, statutes and policies of the various East African countries, and a number of regional and international instruments including the Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Declaration on the Elimination of Violence against Women affirm the protection of the rights of women. More importantly, they assure women of equal rights with men in every sphere and emphasize affirmative action to remedy past inequalities suffered by women. Further, they require states to put in place administrative, legal, policy and institutional measures to promote and protect women's rights.

Justification

ICJ Kenya recognizes the unique role that Judges and Magistrates play as actors in the judicial system, as duty bearers; leaders; interpreters of national, regional and international laws; and champions of human rights and the rule of law. At the same time, it notes that special role that women play within the judiciaries, in similar or comparable capacities to their male counterparts, and the need to strengthen their contribution to the administration of justice. However, in order to design interventions targeting gender equality and empowerment within judiciaries, it is important to review the profile and status of women within judiciaries in East Africa.

Secondly, the need to ensure gender equality is also articulated under Goal 5 of the Sustainable Development Goals, which recognizes the need for the provision of women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes. Further, Goal 16 is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

Despite notable achievements, and whereas global and regional instruments as well as domestic laws and policies are important for the advancement of women, their enforcement and implementation has been fraught with challenges. There are still obstacles which hinder full realization of women's rights in the continent including access to decision making platforms in appointive and elective positions. Eighteen AU member states are yet to ratify the Maputo Protocol; the continued violation of women's' rights; the absence of sufficient legal protection in national legislation; the failure to implement the rights enshrined in the national legislation and regional and international instruments; and low levels of awareness on the provisions of the such instruments.

More importantly, women continue to play a critical role in adjudication within regional Judiciaries and in the provision of access to justice. They are in all segments of the Judiciary and undertake a variety of tasks both as judicial officers and in administrative roles. The contribution of women in the work of the Judiciary is increasingly being recognized and appreciated. However, challenges still exist in achieving gender equality and women empowerment within regional Judiciaries. While judicial intervention has contributed towards reversing violations against the rights of women, women judicial officers have remained under-represented in leadership and decision-making at the institutional levels.

Further, while increasing women's representation in legislatures has been widely promoted as a means for ensuring women's participation in governance, there has not been a parallel movement for increasing gender parity in judiciaries in within Eastern Africa. In addition, information regarding the roles, levels and contribution of women in regional judiciaries remains scanty. Such information would be useful to assess, benchmark, monitor, report and account for the progress towards gender equality and empowerment within regional judiciaries as well as formulating appropriate interventions.

Purpose of the Study

The overall objective of the study will be to provide an indicative status of the level of gender equality within the regional Judiciaries. More specifically:

- a) To increase understanding of the roles played by women in regional judiciaries; and,
- b) To motivate and inform policy makers to commit to invest in gender equality within regional judiciaries.

Methodology

The methodology and administration for developing the study will be designed with the engagement of a consultant. The study is expected to provide a profile and the status of women within the judiciaries, and this will be through:

Scope of the study

- a) Assessment of policy, legal and institutional mechanisms for gender equality and empowerment;
- b) Review of women's representation in institutional decision-making;
- c) Review of internal policies and their impact on gender equality and empowerment;
- d) Review of measures to promote women's participation in leadership and decision-making;
- e) Review of measures to improve women's performance;
- f) Analysis of the perception of judicial officers on gender equality and empowerment;
- g) Analysis of variations of existing measures and their effects on gender equality and empowerment;
- h) Review emerging trends and best practices towards promotion of gender equality within judiciaries;
- i) Make recommendations to address the key gaps taking into account the emerging trends in order to strengthen institutional responses to gender equality and women empowerment in the judiciary; and,
- j) Develop and Submit the outlined deliverables to ICJ Kenya.

Expected Deliverables

The expected deliverables of this consultancy will be:

- a) An Inception Report and Work Plan;
- b) A Report of the profile and status of women within the judiciaries; and,
- c) A Policy Brief outlining key findings and the recommendations of the study.

Outcomes

The following are the expected outcomes:

- a) Increased understanding of the roles played by women in regional judiciaries; and,
- b) Motivated and informed policy makers committed to invest in gender equality within regional judiciaries.

Timeline

This project is to be conducted within a period not exceeding 5 months in accordance with the Consultants Scope of Work and proposed Work Plan herein.

Item	Particulars	Timeline
1	Announcement of Call for Expression of Interest	2 weeks
2	Selection and Contracting	1 week
3	Inception Meeting	1 day
4	Inception Report	1 week
5	Preparation of Research Instruments	2 weeks
6	Desk Review	2 weeks
7	Field Work	4 weeks
8	Development and Submission of Draft Report	4 weeks
9	Review of Drafts and Validation Meeting	2 weeks
10	Submission of Final Report and Policy Brief	1 week
11	Publication of Final Report and Policy Brief	2 weeks
12	Report and Policy Brief Launch	1 week

Qualifications of Consultant

- Hold a University Degree in Law or Social Sciences. An advanced degree is an added advantage.
- At least 5 years experience in Research, Policy Development and Human Rights and the application of International Instruments in various contexts;
- Good writing skills, research and analytic thinking capability;
- Ability to adhere to strict timelines;
- Demonstrate understanding of regional judiciaries and court processes; and,
- Proven and verifiable stellar track record as a consultant.

Reporting and Management Arrangement

ICJ Kenya's Human Rights Programme will manage this research and the Consultant shall report to the respective Programme Manager.

Application Procedure

Interested applicants should submit:

- A Cover Letter, expressing their interest to conduct the assignment;
- A Financial Proposal, including the professional fees and other incidental costs;
- A detailed Curriculum Vitae, including three referees; and,
- At most three samples of similar work conducted in the recent past.

All applications should be addressed to the Executive Director, ICJ Kenya and sent by email to: info@icj-kenya.org by 5:00 p.m. on or before 15 November 2016, with the Email Subject bearing the title - "HRP CALL FOR PROPOSALS 2016". Any queries on this call should be sent by email to the same address on or before 7 November 2016.