



## **REQUEST FOR EXPRESSION OF INTEREST (EOI) FOR CONSULTANT WITH REGARDS TO DEVELOPMENT OF A SADC MODEL LAW ON PRISON OVERSIGHT**

### **1. Introduction and background to assignment**

The SADC Parliamentary Forum is the main inter-parliamentary organisation of Southern Africa which is mandated by its Plenary Assembly to develop and monitor the domestication of Model Laws, Minimum Standards and other related normative instruments. Model Laws developed by the Forum serve as a powerful tool for accountability by MPs over the Executive since they act as informative instruments which elicit legal and administrative provisions that serve as regional best practices for the guidance of national Parliaments. Progressively, the Model Laws adopted by the Forum are domesticated by MPs, with regular monitoring occurring through the facilitation of the Regional Parliamentary Model Laws Oversight Committee (RPMLOC), the dedicated organ of the Forum established to assess the effectiveness of domestication initiatives.

In this context, prison oversight by MPs has been known to constitute one of the cardinal ways through which Parliament can hold Government to account on key populations in detention or prison settings, in view of ensuring the enjoyment of their right to health and focussing on rehabilitation rather than punishment alone. In the last decade, prisoners have been known to suffer from several human rights violation, including torture and inhuman and degrading treatment, drug abuse, assaults that undermine their physical integrity as well as repeated attempts to deny them of remission periods for good behaviour. In SADC alone, there are more than 300,000 prisoners or persons in detention settings or remand, at a given point in time, many of which are HIV positive or carry other sexually transmitted diseases which remain mostly untreated.

In this regard, the SADC Parliamentary Forum has resolved to proceed with a SADC Model Law on Prison Oversight in order to encapsulate best practices and norms into legal provisions that may be domesticated by national Parliaments with the assistance of partners such as Civil Society Organisations (CSOs), faith and traditional leaders, youth etc. Conditions of prisoners are known to affect all segments of society, in particular since over 90% of prisoners eventually purge their sentence and are made to re-integrate society. The overarching objective of the SADC Model Law on Prison Oversight is to ensure that Parliament is sufficiently empowered through legal provisions to demand accountability for protective measures to be adopted by

Government for prisoners to enjoy their recognised human rights, save for limitation of movement in accordance with the punishment dispensed by law.

In this regard, a Consultant will be appointed by the Forum to liaise with relevant stakeholders, including the Technical Working Group of Experts, and to draft the Model Law for its approval by the Plenary Assembly of the SADC-PF after recommendation of the relevant Standing Committee.

## **2. Objectives and deliverables of the assignment**

The overall objective of the assignment is to hire a Consultant on a short fixed-term performance contract to fulfil the following key deliverables:

- a) Act as Legal Drafter of the provisions of the SADC Model Law on Prison Oversight and to work towards the finalisation of the assignment until its adoption by the Plenary Assembly of the SADC Parliamentary Forum;
- b) Conduct legal research on prison conditions and oversight in line with best practices worldwide, and in accordance with issues which arise from feedback or discussions with stakeholders;
- c) Liaise, through consultation sessions, with different stakeholders from the three (3) branches of the State, including MPs, Line Ministries, judicial officers, independent bodies such as the Department of Prisons etc, to garner feedback on legal provisions and finalise the Model Law accordingly;
- d) Report regularly to the Technical Working Group of Experts which will supervise the assignment;
- e) Present the SADC Model Law on Prison Oversight to the relevant Standing Committee of the SADC Parliamentary Forum, for its eventual recommendation to the Plenary Assembly; and
- f) Submit the final approved version of the Model Law in word and pdf for the Forum to publish and disseminate to its Membership;

## **3. Time frame for the assignment**

The deliverables for the assignment should be delivered in editable word and ready-to-print pdf format **within 6 months** of signature of the contract between the Forum (the Assignor) and the Assignee (the Consultant). The contract shall include similar provisions and conditions as this Request for Expression of Interests (EOIs).

## **4. Qualifications**

### **a. Education:**

- Advanced Degree in Law

### **b. Competencies and Experience:**

- Experience in legislative drafting or drafting laws at regional level;
- Preference will be given to candidates who have successfully conducted similar work for organisations of similar standing as the Forum.

### **c. Language and other skills:**

- English language fluency and strong writing skills is mandatory.
- Computer skills: full command of Microsoft word and common Internet applications will be required.

### **e. Core Values:**

- Professionalism: knowledge and understanding of the context of the SADC PF within the institutional framework of the SADC in Southern Africa;
- Planning and Organizing: allocates appropriate time and resources for completing assignment within the set deadline.

## **5. Assignment fee**

The Assignee will be paid a total assignment fee of USD 25,000 (Twenty Five Thousand United States Dollars) which will be paid upon delivery of final deliverables referred to in paragraph 2(f). Part payments may be accepted on such terms and conditions as may be mutually agreed between the parties.

The SADC PF shall ensure that the deliverables meet acceptable standards as per Forum policy and that the deliverables are endorsed and approved by the Secretariat. SADC PF reserves the right to withhold payment for the services rendered if the deliverables are of unacceptable quality, provided that the Assignee shall, as soon as possible and in writing, be furnished with a detailed report of such inadequacies. Should the Assignee fail or neglect to address the said inadequacies forthwith after receipt of the notice advising of the need to address any identified inadequacies, the SADC PF reserves the right to decline payment altogether.

## **6. Execution of the Assignment**

In the execution of this Assignment, the Assignee is encouraged to consult regularly with the officer(s) designated by the Secretary General to ensure that the contractual expectations are met. The designated officer(s) will provide a consolidated verbal/written feedback on the first draft of the deliverables after which the Assignee will incorporate the feedback and return the final copy via the electronic mode of communication. For drafting of Model Laws, the feedback exercise may take place on several drafts before an acceptable version which meets the Forum's requirements is attained.

## **7. Termination of the Assignment**

In the event that the Assignee terminates his/her Assignment before submission of the deliverables, or in the alternative, the Forum terminates the Assignment, no payment will be made. The Forum's obligations to the Assignee will cease, except for payment of expenses incurred up to the date of termination. Termination may be based on, but not limited to, lack of work; change in position description; uncooperative attitude and unsatisfactory relationship with the Forum; counterpart personnel, or co-workers; conflict of interest; incompetence; carelessness; insubordination; failure or refusal to work; or other acts of misconduct as determined by the Forum.

## **8. Confidentiality**

The Assignee shall not disclose or use at any time, either during or subsequent to the expiry of this Assignment, any confidential information or knowledge obtained or acquired by their being party to this Assignment, unless such information or knowledge is in the public domain without their own wrongdoing. The Assignee further agrees not to impart information relating to work or services performed hereunder to any person not entitled to receive it, and to safeguard any confidential or other classified data that may come into his/her possession by virtue of this Assignment.

## **9. Copyright and prohibition of use of AI tools**

The SADC PF shall retain ownership and copyright of all materials delivered under this Assignment, and shall reserve the right to reproduce, edit or amend the material for official use by the Forum. The Forum shall, however, acknowledge the intellectual contributions of the Assignee.

The use of Artificial Intelligence tools to generate literary content is strictly prohibited.

## **10. Enforceability**

In the event that any provision of these Terms of Reference shall be held invalid or unenforceable, such invalidity or unenforceability shall apply only to that provision and shall not affect or render invalid or unenforceable any other provision of these Terms of Reference.

## **11. Medical Cover**

The Forum shall **NOT** be responsible for any costs relating to the Assignee's medical expenses during the course of this Assignment. The Assignee shall, therefore, be personally responsible for his/her own medical cover for the duration of the assignment.

## **12. Management of Assignment and Domicilium and Correspondence**

The management of the assignment shall be conducted by the Secretary General of the SADC PF, Ms Boemo Sekgoma, and the address for correspondence shall be:

SADC Parliamentary Forum  
SADC Forum House  
Parliament Gardens  
P/Bag 13361  
Windhoek  
NAMIBIA  
Tel: +264 61 287 0000  
Fax: +264 61 247 569  
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N.B: The Forum is an equal opportunity employer and reserves the right not to make any appointment following this Request for Expression of Interests.

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