



SETTING UP OF AN OBSERVATORY OF CRIMINAL JUSTICE

TDR FOR THE PRODUCTION OF AN EXPLORATORY DIAGNOSIS

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INTRODUCTION

Access to justice is a fundamental principle of the rule of law. In its absence, it is difficult for citizens to be heard, to exercise their rights, to challenge discriminatory measures or to hold decision-makers accountable. The missions carried out by NDH Cameroon to improve access to criminal justice in Cameroon go in the direction, precisely, of the effectiveness and consolidation of the rule of law. Activities that contribute to the achievement of these missions include awareness-raising, support, assistance to victims of human rights violations and the establishment of monitoring structures such as the observatory of criminal justice. In reality, an observatory is a device set up by one or more organizations to monitor the evolution of a phenomenon in a society at a given moment. He takes an analytical look at a problem or a defined subject. The Observatory of Criminal Justice in Cameroon aims to be a multidisciplinary and politically neutral body. Although it involves CSOs involved and the National Commission for Human Rights and Freedoms (CNDHL), it must be free and autonomous in its positions. Its implementation obeys a dual purpose. Firstly, it is a question for this Observatory to make proposals in the sense of improving the right of access to criminal justice in Cameroon. The realization of such an objective implies a synergy, a collaboration, a pooling of energy of the actors of the criminal chain and CSOs militant for the defense of the humans right. It will act through criminal justice reports; which will be followed by the actors involved, for a change of practice and improvement of the situation. Then, the observatory of criminal justice will play a watchdog role. This will include denouncing violations of the right of access to justice in Cameroon and advocating for significant improvements. The establishment of such a body will undoubtedly contribute to strengthening the rule of law in Cameroon by improving access to criminal justice for vulnerable populations.

OBJECT OF EXPLORATORY DIAGNOSIS

1- Background and rationale

The level of access to justice, and more specifically criminal justice, is one of the indicators of the rule of law. Cameroon, which positions itself as a State governed by the rule of law, has an important legal arsenal for the protection of human rights both at national and international level. Indeed, it has ratified several conventions and other treaties relating to the protection of human rights including the African Charter on Human and Peoples' Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment , the International Covenant on Civil and Political Rights, etc. At national level, a number of legal instruments governing the right of access to justice have been adopted, such as the Penal Code, the Code of Criminal Procedure, the Law on the Organization of Legal Aid and others. However, despite these advances, it is clear that human rights and particularly the right of access to criminal justice are increasingly undermined. It is very regularly observed in Cameroon that access to justice is limited by a certain number of factors, the first of which is the inaccessibility and ignorance of legal texts by most citizens, the low capacity of those to cover the costs of legal proceedings as well as the lawyers' fees, the lack of adhesion of the community of the citizens to this justice which sometimes seems to them far away, the corruption of the actors of the judicial chain, the arbitrary arrests and detentions , unsatisfactory material conditions that do not allow Courts and Tribunals to evolve in a serene environment, lack of qualified personnel, delays in the processing of court files among others.

It is to provide answers to these problems, that the imperative to set up an observatory of criminal justice in Cameroon, like the one that exists in France arose. In fact, the Criminal Justice Observatory is a multidisciplinary and politically neutral body that will build on the momentum set up by NDH-Cameroon to monitor, monitor and report violations of the Penal Code, the Code of Criminal Procedure and human rights in criminal justice. Although it involves various partners involved, it should be free and autonomous in its positions.

But before reaching this stage, an exploratory diagnosis of its feasibility is essential for several reasons. Premium on board, it will hear the key players identified on the feasibility of this observatory; it will also assess risks and consider mitigation measures. More concretely, it will be a question of analyzing and formulating recommendations and elements of action to guarantee the chances of success of the OJP. To do this, the focus groups and interviews will be conducted with identified actors and groups and likely to contribute effectively to the design of an independent monitoring mechanism for criminal justice. Analyzes and discussions will focus on composition, operation, achievements, etc. The diagnosis thus envisaged is worth all its weight in gold.

2- Main objective

The general objective of this diagnosis is to gather information and precise data on the feasibility conditions and the operating methods of the Observatory of Criminal Justice.

3- Specific objectives

Specifically, the diagnosis plans to:

- Contextualize and clarify the specificities of the Observatory of Criminal Justice in the criminal justice chain in Cameroon.
- determine the composition and functioning of the OJP
- establish a consensus on the form and content of the OJP

4- Expected results

- The information and precise data on the feasibility conditions and operating procedures of the OJP are collected.
- The missions and specificities of the OJP are defined.
- The composition and the operation are determined.
- A consensus on the form and content of the OJP is established.

4. Methodology

The following techniques will be used: the documentary review, the interviews, and the survey.

Documentary review: it will allow to decrypt the reports of similar organizations operating in other countries while exploiting the relevant writings.

The interviews will be conducted with the actors and personalities who count to collect the information first hand and refine the analysis.

The investigation: the litigants being the first judges and the principal beneficiaries or victims of the criminal justice, the investigation will allow to collect their opinions and feelings.

Focus groups: stakeholder groups will be consulted in the focus group discussions frameworks.

5. Field of study

The study will spread throughout the Cameroonian territory.

6. Period and duration

The proposed duration of diagnosis is 45 days. This period takes into account the times foreseen for the preparation and the return of the final report. The consultant will propose an indicative schedule of activities in his technical offer.

7. Deliverables

Following the work, the consultant will have to produce a final report which will be amended during a validation workshop. Ten (10) days later, the final version of the report must be available. All cards (paper format) and digital files containing the data collected during the mission must be returned to NDH Cameroon.

8. Required profile

- Consultant with relevant experience in studies
- Experience in research in the humanities and social sciences
- Have a background in law, political science, sociology / anthropology, etc.
- Have a mastery of data collection, data processing and analysis tools
- Ability to deliver quality results and reports in a relatively short time.

9) Submission of Offers

Candidates' offers should include:

- A CV
- A technical offer detailing the proposed methodology and including an indicative schedule of activities;
- A Financial offer.

Deadline for submission: 09 July 2018

Interested candidates are requested to send their application files to:

**Nouveaux Droits de l'Homme Cameroun,
B.P 4063 Yaoundé / Tél :(237) 242 01 12 47**

Bidders must submit their offers in sealed envelopes addressed to "Madam, Executive Director of NDH-Cameroun". Exceptionally offers can also be made by email to addresses: ndhcam@yahoo.fr / program@ndhcam.org / www.ndhcam.org

NB: Only the selected consultant will be contacted to set the practical arrangements for carrying out the study.