



## **TERMS OF REFERENCE- INTERNATIONAL EXPERTS**

### **Introduction**

The Institute for Democracy and Electoral Assistance (International IDEA) has been providing support to Tunisia's constitutional process starting in 2011. Since the 2014 constitution entered into force, International IDEA has been focusing much of its efforts to assist Tunisia's state institutions, legal profession and civil society to implement the provisions of the Constitution relating to rights and freedoms, in particular to bring their practices into line with the principle of proportionality, which is provided for under Article 49. Starting in March 2019, International IDEA has intensified its efforts in that regard, in particular by implementing a two year project (the "Project") that is specifically dedicated to promoting a deeper awareness of how the 2014 Constitution in general and Article 49 in particular change the framework for the protection of fundamental rights.

The Project has as its main objective to improve the protection of fundamental rights by supporting the legal community (including judges, lawyers, and academics), public officials (parliamentarians, cabinet ministers, ministry officials, and local government officials) and civil society organizations in their efforts to bring their working methods in line with the 2014 Constitution's framework for the protection of fundamental rights.

The Project provides among others for the organisation of peer-to-peer sessions, which will bring together international and national experts and Tunisians from various sectors and professions who will be given the opportunity to engage with their peers from other countries. The participants will be invited to discuss working methods, lessons learned and opportunities, particularly with a view to reflecting on what changes they can make to their working methods to improve the protection of fundamental rights given the new constitutional context. Specific peer-to-peer sessions will be organised for each of the following categories of practitioner:

- (a) Judges
- (b) Lawyers
- (c) Parliamentarians
- (d) Local officials
- (e) Civil society organisations

### **Responsibilities**

In order to achieve that aim, International IDEA is seeking to recruit a number of international experts who will participate in these peer-to-peer sessions. They will:

1. Participate in peer-to-peer sessions with representatives of categories of Tunisian practitioners to discuss working methods, lessons learned, and opportunities with a view to reflecting on what changes can be made to Tunisian working methods to improve the protection of fundamental rights given the new constitutional framework.
2. Give presentations on their comparative experiences (constitutional and legal framework) in the field of constitutional law, rights and freedoms, the limits imposed on these rights, the principle of proportionality and its application, and any related themes, by providing examples of practices related to the theme and target audience.
3. Attend working sessions with the organizers to evaluate the Peer-to-Peer sessions and provide comparative case studies and other useful materials that will be useful for the other project activities.

### **Report Line**

The expert will report to IDEA's Senior Project Officer.

### **Timeframe**

The work will be carried out on a part time basis from July 2019 to 28 February 2021.

### **Duty station**

The expert will be home based, but must be present at the project activities, all of which will take place in Tunisia. The expert will be given at least one month's notice before each activity.

### **Qualifications**

- (i) Have an advanced degree in law, public administration, human rights Law, political science, or related field;
- (ii) Have at least 15 years' relevant experience in a field related to human rights or constitutionalism with particular experience in the use of the principle of proportionality and the theory of limits to rights and freedoms. For the purpose of this TOR, relevant experience can involve:
  - (a) Academic experience in human rights matters;
  - (b) Practice as a judge or magistrate in a constitutional court or a human rights tribunal,
  - (c) Practice as a lawyer with experience in courts specialised in the defence of human rights,Publications on constitutional reform and/or human rights law and Keen knowledge of Tunisia's judiciary and legal community and culture will be considered an advantage;
- (iii) Be capable of proceeding with the highest amount of sensitivity, involvement and punctuality;
- (iv) Be capable of working in and sharing views with a team of experts;
- (v) The expert must read and write English fluently;
- (vi) Fluency in Arabic and/or French would be a major asset.