

Consolidation of Justice Sector Policy Development in Ukraine

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

European Union and Council of Europe Joint Project “Consolidation of Justice Sector Policy Development in Ukraine”

Call for Expression of Interest for Short-Term Consultants

- Assignment:** To act as short-term consultants for developing a Methodology for reviewing progress and achievements of the justice sector reforms implementation in Ukraine (hereinafter “Progress Review Methodology”, or PRM)
- Project:** European Union and Council of Europe Joint Project “Consolidation of Justice Sector Policy Development in Ukraine” (Project)
- Contracting organisation:** Council of Europe
- Contract duration:** up to 25 working days per consultant during the period of April –September 2016 (the exact number of working days/consultants to be determined according to Project needs)
- Expected start date:** 4 May 2016
- Deadline for applications:** 25 April 2016, midnight Kyiv time

CONTEXT OF THE ASSIGNMENT

The overall objective of the Project is to contribute to strengthening the rule of law in Ukraine by supporting a sustainable reform of the justice sector in line with the Council of Europe standards.

Duration of the Project: January 2015 - December 2016.

Implementing this Project the Council of Europe pursues the following specific objectives and aims at achieving the following expected results among others:

Specific objective 2	To contribute to the justice sector reform by assisting in the monitoring of its implementation, by providing relevant capacity building of stakeholders and by fostering public awareness of and support for the reform
Expected result 2.1	The implementation of the Justice Sector Reform Strategy and its Action Plan is monitored and the results of the reform are assessed

The **Project's recipients** are represented by decision-makers (specialised standing committees of the parliament, Ministry of Justice, Presidential Administration as the justice sector reform coordination mechanism), courts and judiciary system institutions and self-governing authorities (Supreme Court and High Courts, Council of Judges, High Qualification Commission for Judges, High Council of Justice, State Court Administration), General Prosecutor's Office (GPO), National Academy of Prosecutors, National Bar Association (the Bar); Ombudsperson's Office, Ministry of Internal Affairs, State Security Service, State Penitentiary Service. The main Project's recipient is Ministry of Justice.

The **final beneficiary** of the Project is the general population (citizens or other persons under the jurisdiction of Ukraine), which should experience an improved protection of human rights and a better access to justice, including higher quality of legal services and judicial decisions.

One of the objectives the European Union and Council of Europe Joint Project "Consolidation of Justice Sector Policy Development in Ukraine" (Project), according to its Description of Action, is to provide support to Ukrainian authorities and civil society in ensuring that the reform efforts undertaken by the justice sector are reviewed and assessed. For this purpose the Project is planning to contribute to the justice sector reform by assisting in the monitoring of its implementation, by providing relevant capacity building of stakeholders and by fostering public awareness of and support for the reform.

On 20 May 2015 the President of Ukraine adopted Justice Sector Reform Strategy (JSRS) that defines the fundamental principles of judicial reform for 2015-2020. The JSRS was developed by the Justice Reform Council, a consultative body to the President of Ukraine established in October 2014 to facilitate effective cooperation between state authorities, NGOs and international organisations in implementing the JSRS, in particular by preparing proposals on draft laws governing the justice sector, monitoring and reviewing the effectiveness of JSRS implementation. Objectives of the JSRS include defining priorities in justice sector reform for practical implementation of the rule of law and ensuring the judiciary which will comply with public expectations of independent and fair court, European system of values and standards of human rights protection. The full text of the Strategy (unofficial English translation) is attached to this note.

The Project's support involves recommendations on methodology and process for monitoring the implementation of the JSRS in consultation with relevant justice reform stakeholders, including civil society, as well as encouraging civil society actors to monitor the justice sector reform and assess its results in practice. The Project will organise consultation meetings with relevant justice sector stakeholders to discuss recommendations regarding the process and results of monitoring, and provide assistance in testing the developed methodology.

DESCRIPTION OF THE ASSIGNMENT

To accomplish this task the Project will involve a group of international consultants (hereinafter referred to as "Consultants"). The Consultants, under the overall guidance of the Head of Human Rights National Implementation Division of the DG I of the Council of Europe and the direct supervision of the Project

Coordinator in Strasbourg and Senior Project Officer based in Kyiv, will develop a Progress Review Methodology as a tool for reviewing the advancement and achievements of the justice sector reforms implementation in Ukraine.

The Consultants shall work in cooperation with a Reference group established by the Project comprising representatives from relevant justice sector stakeholders, NGOs, international organisations and initiatives with the aim to discuss challenges in implementing the justice sector reforms, validate the objectives of the PRM and ensure coherence in the process of further development of tools for reviewing progress and achievements of the reforms. The Consultants are expected to present their work to the Reference group at different stages.

In particular, the Consultants are expected to:

- Develop a Progress Review Methodology (PRM) for reviewing the advancement and achievements of the justice sector reforms implementation as compared to the adopted JSRS and relevant international standards on justice sector, that comprises the following elements:
 - Detailed description of the Indicators:
 - progress indicators (the progress made on the implementation of the JSRS and other institutional policy documents deriving from the JSRS);
 - impact indicators (based on impact assessment methodology defining key objectives, SMART goals, reviewing what was the impact of actions envisaged in the JSRS and other institutional policy documents deriving from the JSRS in the areas of justice reform);
 - impact indicators as compared to relevant international standards;
 - Sources of information (determining current availability of data (both at national and international level), its accessibility and structure, identifying gaps in the availability of data, recommending new data sources and/or new use of the data from sources already identified);
 - Primary data collection methodology and frequency of data collection (including recommendations on periodicity of data collection, structure and algorithm for analysis and summarising the data, proposals on harmonising the approach to opinion surveys (those recommended as data sources for the monitoring));
 - A methodology for reporting and presentation of results for the progress review, analysis and drawing up of conclusions (a proposal for different types of reporting depending on various subjects, providing a model for analysis and drawing up of conclusions), including, where possible and practical, development of uniform templates for reporting;
 - Recommendations on key actors/institutions to be involved in the monitoring, their roles and possible options for coordinating their input into the monitoring;
 - Identification of the end users of the results of the monitoring and recommendations on their use.

- Develop recommendations on identifying and developing a baseline for the monitoring;

- Attend working group meetings, participate in expert meetings with key justice sector institutions and NGOs, Council of Europe representatives (including missions in Ukraine as may be required) to discuss approaches to the methodology and identify information, present the developed PRM.
- Report to the Council of Europe as requested, on the progress of the tasks in charge in accordance with the tasks agreed upon.

The Council of Europe shall divide the work between the Consultants in accordance with their respective areas of expertise. In doing so the Council of Europe shall take into account the opinion of the Consultants on the most appropriate division of work, which will subsequently be incorporated in the plan of staged development of the methodology.

One of the Consultants will be selected by the Council of Europe as a Coordinator of the group, with the following additional tasks:

- To act as a focal point for the entire group of consultants, to be responsible for maintaining uniformity and to ensure a consolidated approach to PRM development and coordinate the preparation of the written deliverables in the same style and format.

DELIVERABLES

The group of Consultants is expected to deliver (tentative schedule):

- The first draft of the structure of the PRM with descriptions of contents of chapters and sections by May 30, 2016 (to be presented to the Reference Group in early June 2016);
- A presentation presenting the approach of the consultants to the development of the methodology by May 30, 2016 (to be presented to the Reference Group in early June 2016);
- A plan of staged development of the methodology with indication of the next deliverable that can be presented and discussed with the Reference Group in early June 2016;
- Additional deliverables as described by the above draft with indication of the dates of delivery;
- The final draft of the PRM should be developed by August 10, 2016.

KEY QUALIFICATIONS

The Project invites applications from suitably qualified individuals who possess the following qualifications:

- An advanced university degree in a relevant field (law, political or social sciences, public administration);
- Extensive professional experience in the justice field at national and international level, proving a solid knowledge of relevant European and other international standards and frameworks, as well as knowledge of best practices in the various sub-sectors of the justice sector; experience in implementing or monitoring the implementation of reform strategies and action plans in the justice sector, and in particular in one or several of the following sub-sectors:
 - a) the judiciary
 - b) the Bar, legal aid and defence in criminal proceedings
 - c) public prosecution and fight against corruption
 - d) penitentiary system

- Experience with similar international projects in the area of implementing, monitoring and/or evaluation of justice reforms;
- Proven track record of analytical, research and reporting work;
- Excellent oral and written English with confirmed drafting skills;
- Proven ability to work in a team, strong interpersonal and communication skills;
- Knowledge of the current legal frameworks and main strategic directions, policies and conceptions of legislative reforms in the field of justice in Ukraine would be an advantage.

ELIGIBILITY REQUIREMENTS

Applicants shall not be civil servants or public officials in the national system of the country where the Project is being implemented during the entire time of the execution of the respective contract.

SELECTION PROCEDURE

The consultants will be selected through a limited consultation procedure. This procedure consists of selection on the basis of assessment of candidates' academic qualifications, relevant experience and skills in terms of their compliance with the needs of the assignment, as well as comparison of the proposed daily fee rates.

FEES AND STATUS

For indicative purposes, the applicable fee range corresponds to €200-€400 per day of providing services, depending on the nature of services and the qualification / experience of the consultant. The selected consultants will be paid in accordance with the fee they have indicated in their bid. Any task-related travel will be reimbursed and subsistence expenses paid according to the Council of Europe's rules.

The selected candidate(s) will be offered a consultant's contract. Such contract cannot be construed as conferring on the selected candidate the capacity of Council of Europe staff member or employee. The selected candidate(s) will also have to make their own arrangements for health and social insurance for the entire period of execution of the contract.

Their task-related travel and stay will be covered by a travel insurance policy taken out by the Council of Europe. The consultants contracted by the Council of Europe have to declare all fees received from the Council of Europe for tax purposes as required in their country of fiscal residence

APPLICATIONS

Candidates must submit the following documents in English:

a) A cover letter, which should indicate in detail the applicant's area of expertise, including the sub-sectors of the justice sector described above, and explain how his/her qualifications and experience meet those indicated above; their ability to write and speak English; and the average daily fee charged for the envisaged types of services, and contact details of two reference persons.

b) Curriculum Vitae (maximum length: 4 pages).

The consultants must indicate the daily fee they expect for the task listed above.

Applications must be submitted to the Council of Europe by e-mail Olena.Trapeznikova@coe.int, no later than 25 April 2016, midnight Kyiv time, indicating “Short-term consultant application for “Consolidation of Justice Sector Policy Development in Ukraine” in the subject field. Please do not send any other documents and in particular large attachments at this stage.