**Ukrainian Legal Expert for the Support Group for establishment and operationalization of the High Anti-Corruption Court (3 positions)**

19 July 2019

**Terms of Reference**

**Background**

The programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” is a three-year programme (2017-2020) financed by the European Union and co-financed and implemented by the Danish International Development Agency. The overall objective of the programme is to improve the implementation of anti-corruption policy in Ukraine, thereby ultimately contributing to a reduction in corruption. In pursuing this objective, the programme supports all key institutions mandated to fight high-level corruption in Ukraine, from prevention to investigation, prosecution, adjudication of corruption cases and recovery of illegally obtained assets in line with international norms and European practices.

The Law of Ukraine on the High Anti-Corruption Court (LHACC), adopted by the Ukrainian Parliament on 7 June 2018, entered into force on 14 June 2018. The High Anti-Corruption Court (HACC) is a specialized court of 39 judges mandated with adjudicating high-level corruption cases investigated by the National Anti-Corruption Bureau of Ukraine and prosecuted by the Specialized Anti-Corruption Prosecution Office. HACC completes the chain of specialized bodies in the criminal justice chain established for effective investigation, prosecution and adjudication of high-level corruption cases in Ukraine.

The EUACI is committed to provide technical assistance to the establishment and operationalization of the HACC through the Support Group for HACC, the working group with legal and subject matter expertise during the preparatory and transitional phase of the establishment and operationalization of the HACC. The activities include assistance at the strategic level concerning the overall operational planning for establishing and the HACC as well as specific thematic issues which are of importance for the sustainable functioning of the HACC, including legal matters, human resources development, strategic communications, IT, infrastructure and court security. To this end, the EUACI assisted in the establishment of the HACC Support Group in 2018, a group of key national and international stakeholders that assisted the State Judicial Administration of Ukraine (SJA) to prepare the Roadmap for the establishment of the HACC. Given the scope of the required support for the different areas outlined above as well as the ambitious timeframe for establishing the HACC, the processes will be implemented through parallel tracks. Therefore, the EUACI envisages recruiting threeрр legal experts to continue supporting the team of the HACC Support Group and the related implementation processes.

**Objectives**

The objective of the assignment is to contribute to the establishment and functionality of the fully-fledged HACC. The assignment will contribute towards this end by ensuring that key national counterparts and the wider HACC Support Group have access to the technical assistance necessary to implement different aspects of the HACC Roadmap.

**Scope of work and expected deliverables**

1. Scope of work

The scope of work of the legal experts shall include, but not necessarily be limited, to the following:

* conducting legal research and providing technical advice to the HACC management and permanent chief of staff of the HACC, HACC Support Group international experts and other national counterparts as required, on all matters related to the operational establishment of the HACC (including but not limited to: transfer of cases from other court to HACC, issues related to the HACC jurisdiction etc.);
* contributing to the development and peer-reviewing of internal HACC regulatory framework related to the transfer of cases, their storage, HR and other issues as required;
* drafting legal assessments of the draft laws on HACC jurisdiction, illegal enrichment etc.;
* facilitating a dialogue between the EUACI, HACC SG and HACC management, CoS and structural units of HACC;
* updating of the HACC Roadmap;
* assisting the national counterparts in additional planning and implementation of different directions of the HACC Roadmap, including development of specific institutional and strategic documents required for its implementation, where requested and deemed necessary;
* providing legal, policy analysis and other required assistance on the issues of HACC premises, HACC staff selection and HACC court security;
* assisting the EUACI and HACC SG international staff during the selection of HACC staff, preparation and delivery of trainings and study tours for HACC judges and staff;
* participating in the HACC working groups and meetings on jurisdiction, premises, HR, communication etc.;
* supporting the Senior Project Manager of the HACC Support Group and EUACI experts in facilitating coordination of activities of the HACC Support Group with the SJA, Chief of Staff of the HACC and other relevant stakeholders;
* coordinating with international and national experts engaged by the EUACI and other international technical assistance programs related to the HACC establishment and operationalization;
* drafting legal opinions, memos, ToRs, minutes, proof reading legal translations;
* Other tasks as assigned.

b. Expected deliverables

* Legal assessments and opinions;
* Action plans and strategic documents for areas identified and agreed with the national counterparts and as required for the implementation of the HACC Roadmap;
* Other thematic documents, including briefing notes, minutes and charts;
* Policy analysis and official correspondence;
* Internal HACC regulatory framework;
* Trainings and study tours for HACC judges and staff;
* A final report of maximum 5 pages, excluding annexes, will be the final deliverable. The report shall provide an assessment of the achievements made in relation to the scope of work and deliverables, how these have been received, and any critical issues where follow-up may/will be required.

**Timeframe**

The commenced date is the date of signature of the contract by both parties and the period of implementation of the contract will be up to 9 months, with a maximum duration of 150 working days.

**Professional Requirements**

The following minimum professional requirements are expected for both legal experts:

* Graduate degree in Law;
* At least 5 years of proven experience in legal research and drafting;
* Experience in reform processes in the rule of law sector; knowledge and understanding of reform processes in Ukraine;
* Experience of working with governmental institutions as well as international organizations providing assistance to rule of law and/or anti-corruption reforms in Ukraine;
* Fluency in written and oral Ukrainian and English.

**Monitoring and evaluation**

Definition of indicators

The performance of the contractor will be judged upon reaching the purpose of this contract as well as obtaining its results, as indicated in the sections “Objectives” and “Expected Deliverables” herein respectively. Moreover, the performance of the contractors will be judged upon successful implementation of all the specific activities indicated above.

Special requirements

By signing the contract, the contractors agree to hold in trust and confidence any information or documents ("confidential information"), disclosed to the contractors or discovered by the contractors or prepared by the contractors in the course of or as a result of the implementation of the contract, and agrees that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party.

The contractor reports to the EUACI and the Senior Project Manager of the HACC Support Group. The contractor shall be briefed prior to starting with the assignment. The contractor shall de-brief the EUACI prior to finalising the assignment.

The contractor shall immediately inform the EUACI after 50% and again after 75% use of the overall foreseen working days under this contract.

**Cross-cutting issues (integration of the youth, equal opportunities)**

The assignment will be implemented ensuring equal opportunities for men and women and integration of the youth.

**Selection**

The following documents should be submitted to Mr. Torben Ulsted, tulsted@ukraine-aci.com with the subject “Ukrainian Legal Expert for HACC SG”:

• CV of the expert;

• Motivation letter;

• Financial proposal;

Deadline for proposals submission is **2 August 2019, 17:00 Kyiv time**.

**Clarification questions**

Questions for the Request for Bid should be addressed to Ms. Halyna Kokhan, halkok@ukraine-aci.com, no later than 1 August 2019, 17:00 Kyiv time.