**Ukrainian Legal Expert for the Support Group for establishment and operationalization of the High Anti-Corruption Court (2 positions)**

March 2019

**Terms of Reference**

1. **Background**

The programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” is a three-year programme (2017-2019) implemented by the Danish International Development Agency using the indirect implementation modality. 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 (see ANNEX 1). 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. Ukrainian authorities have decided to establish the court by June 2019.

The EUACI is committed to provide technical assistance to the establishment of the HACC by supporting the following key national stakeholders: the State Judicial Administration of Ukraine (SJA), responsible for organizational, administrative and financial matters of the court; the High Qualification Commission of Judges of Ukraine (HQCJ), responsible for administering the selection process for judge-candidates for the court; the Public Council of International Experts (PCIE), an auxiliary body to HQCJ that is responsible for assisting the HQCJ in the preparation of decisions on the appointment of HACC judges; the High Council of Justice (HCJ), responsible for reviewing candidates selected by HQCJ and their recommendation for appointment to the President of Ukraine.

The SJA, which is accountable to the HCJ, is the main administrative state body in the system of justice in Ukraine responsible for organizational, administrative, and financial matters of the judicial system, including the HACC. In the process of establishment of the HACC, the SJA, on 20 February 2019, appointed the temporary chief of staff of the HACC, responsible for the establishment of the court during the preparatory phase. The SJA, together with the HQCJ, will also ensure appointment of the permanent chief of staff and other non-judicial staff of HACC through competitive selection or transfer (see ANNEX 2). In order to streamline the work of the establishment of the HACC, the SJA decided to establish two working groups related to the infrastructure and human resources of the HACC. International technical assistance programs, including the EUACI, were invited to participate in the working groups at the expert level.

With this assignment, the EUACI aims to provide technical assistance to the SJA, the temporary and permanent chief of staff of the HACC as well as the established working groups through legal and subject matter expertise during the preparatory and transitional phase of the establishment of the HACC. The activities include assistance at the strategic level concerning the overall operational planning for establishing 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 SJA to prepare the Roadmap for the establishment of the HACC (Annex 3). It is envisaged to continue with technical assistance to this process to ensure that the national counterparts have access to the technical assistance needed for the successful implementation of the HACC Roadmap. 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 two legal experts to support the team of the HACC Support Group and the related implementation processes.

1. **Objectives**

The objective of the assignment is to contribute to the establishment of a fully functional 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.

1. **Scope of work and expected deliverables**
2. Scope of work

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

* Legal research and technical advise to the SJA, HCJ, temporary and permanent chief of staff of the HACC, and other national counterparts as required, on all matters related to the operational establishment of the HACC;
* Assist 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;
* Participate in the HACC working groups and support and facilitate the discussions;
* Assist, as directed by the Senior Project Manager of the HACC Support Group and EUACI experts, to judicial administration experts as well as other thematic experts or trainers engaged by the EUACI for the support of the establishment and operationalization of the HACC;
* 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, acting Chief of Staff of the HACC and other relevant stakeholders;
* Coordination with international and national experts engaged by the EUACI and other international technical assistance programs related to the HACC establishment;
* 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 and charts;
* 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.

1. **Timeframe**

The intended commencement date is the date of signature of the contract by both parties and the period of implementation of the contract will be up to 10 months, with a maximum duration of 60 working days. The consultancy work is expected to start in the second half of March 2019.

1. **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.

1. **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.

1. **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.

1. **Selection**

CV, motivation letter, indication of required expert fee level and contact information of at least two references shall be submitted to the e-mail: [barjam@ukraine-aci.com@ukraine-aci.com](mailto:barjam@ukraine-aci.com@ukraine-aci.com) with the subject: Senior Project Manager HACC.

Deadline for applications is March 10 (Sunday).

The candidate will be selected in two stages:

1. Assessment of received applications against the requirements listed in this announcement;

2. Interview with the EUACI.

For any questions, please contact Halyna Kokhan, Anti-Corruption Expert at EUACI ([halkok@ukraine-aci.com@ukraine-aci.com](mailto:halkok@ukraine-aci.com@ukraine-aci.com)).

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**Annex:**

* Law of Ukraine on the High Anti-Corruption Court
* Process of High Anti-Corruption Court establishment
* HACC Roadmap