4 July 2019

# Terms of Reference

**Senior National Legal Consultant**

**Background**

Support for anti-corruption efforts in Ukraine is a high political priority for the European Union. By combatting corruption, the EU contributes to the consolidation of democracy and economic growth of Ukraine, as well as a successful approximation of Ukraine with the EU.

The programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” 2017-2020 is a three-year programme with a half year extension implemented by the Danish International Development Agency using the indirect implementation modality.

Ukraine adopted an extensive legislation package in 2014 and deployed it in 2015. The legislation establishes a range of new institutions across the anti-corruption work chain within prevention, investigation, prosecution, and asset recovery. Furthermore, in 2018 the Parliament passed the Law of Ukraine “On High Anti-Corruption Court” completing the anti-corruption chain with the establishment of the High Anti-Corruption Court (HACC).

In April 2018, the Cabinet of Ministers submitted to the Parliament the draft law on the National Anti-Corruption Strategy for 2018-2020. However, the Parliament did not adopt a new National Anti-Corruption Strategy, a key document setting up priorities and addressing the development and direction of the state anti-corruption policy. After the early parliamentary elections in July 2019, the law-making process may be unblocked in this regard.

Additionally, the new President’s Office initially identified the need for legislative changes and improvements regarding the anti-corruption framework and institutions, including the National Agency for Corruption Prevention (NACP), the Specialized Anti-Corruption Public Prosecutor’s Office (SAPO) as well as the instruments of illicit enrichment and civil confiscation.

The EUACI was approached by different national stakeholders, including National Agency on Corruption Prevention (NACP), National Anti-Corruption Bureau of Ukraine (NABU), Parliament of Ukraine, High Anti-Corruption Court (HACC, etc., requesting expert assistance in the development of legislative changes to the anti-corruption legal framework.

# Objective

While the EU is playing the leading role in supporting anti-corruption efforts in Ukraine, the EUACI aims to provide technical support to the process of drafting and implementing anti-corruption prevention policy legislation.

The objective of the assignment is to assist key national stakeholders responsible for an anti-corruption policy as deemed necessary throughout the process - in drafting, reviewing and implementing new anti-corruption legislation and other legal acts, in accordance with international good practices.

**Outputs/Deliverables**

Outputs include the following:

* Legal framework for National Anti-Corruption Strategy and State Anti-Corruption Programme drafted;
* Legal framework for National Anti-Corruption Strategy and State Anti-Corruption Programme advocated and implemented;
* Legal framework for efficient and transparent work of the anti-corruption bodies developed;
* Legal analysis, legal opinions, ad hoc legal research and legal memoranda on issues pertaining to the work of anti-corruption bodies and anti-corruption policy prepared.

# Scope of work

The Senior National Legal Consultant will be responsible for assisting the EUACI in providing technical assistance during the process of developing, reviewing and implementing anti-corruption legislation and other relative legal acts related to the anti-corruption sphere. The expert work will be performed in cooperation with and under the supervision of the EUACI team. The expert scope of work includes, but is not necessarily limited to:

* developing the legal framework for the next National Anti-Corruption Strategy and State Anti-Corruption Programme;
* contributing to the work of working group/s elaborating the new draft National Anti-Corruption Strategy and draft State Anti-Corruption Programme;
* attending and presenting at expert/academic/CSO discussions related to the preparation of the draft National Anti-Corruption Strategy and draft State Anti-Corruption Programme;
* assisting with amendments/changes to the draft law on illicit enrichment after its registration and considerations by the Parliament if needed;
* developing/peer-reviewing/commenting on internal High Anti-Corruption Court legal framework if required;
* reviewing and analyzing current Ukrainian anti-corruption institutional and legal framework and developing or commenting on practical recommendations for its improvement;
* drafting legal documents and legal opinions as well as providing ad-hoc legal advice to national and international stakeholders related to the anti-corruption institutional and legal framework;
* assisting in drafting and commenting on developed draft regulations, elements of draft laws and other legal documents in the anti-corruption sphere to ensure their compliance with international anti-corruption standards and best practices;
* attending working meetings and liaising with relevant national and international stakeholders, as required;
* participating in events organized by EUACI or national and international partner organizations;
* monitoring developments related to the anti-corruption sphere and alerting EUACI management accordingly;
* assisting the EUACI on other legal matters related to its work and mandate.

**Timeframe**

The commenced date is the date of signature of the contract by both parties (preferably July 2019) and the period of implementation of the contract will be nine months, including **60 working days** with the possibility of extension.

# Professional Requirements

Education and Experience:

* Graduate degree in law;
* At least 10 years of proven professional experience in the anti-corruption sector and/or rule of law, preferably in the area of complex legislative drafting and legal analysis;
* Experience with reform processes in the anti-corruption and/or justice sectors, very good knowledge and understanding of anti-corruption reform processes in Ukraine;
* At least 10 years of professional experience working as a legal consultant with international technical assistance projects or international organizations in the area of anti-corruption and/or judicial reform;
* Strong advocacy and organizational skills;
* Fluency in written and oral English and Ukrainian.

# 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 “Objective” and “Outputs/Deliverables” herein respectively. Moreover, the performance of the contractors will be judged upon the 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. The contractor shall de-brief the EUACI prior to finalizing the assignment.

# 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 “Senior National Legal Consultant”:

* CV of the expert;
* Motivation letter;
* Financial proposal;
* 3 writing examples of recent legislative drafting work and/or legal analysis conducted by the applicant.

# Deadline for proposals submission is 10 July 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 9 July 2019, 17:00 Kyiv time.

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