**National Legal Analyst supporting the EUACI in anti-corruption legal analysis and research**

13 September 2019

# Terms of Reference

**Background**

Support to 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 successful approximation of Ukraine with the EU.

The programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” 2017-2019 is a three-year programme 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 the best European practices to the parliamentary and civilian oversight of the execution of the anti-corruption policy.

Starting from the end of August, the long-awaiting anti-corruption legislation is achieving real momentum to be adopted due to the newly elected President and support by the Parliament’s majority of the fraction of his party. EUACI is regularly approached by different national stakeholders to provide expert opinions and other legal expertise at different stages of draft law preparation, submission and consideration.

On 5 September 2019, the HACC officially launched its operations. The court is a specialized court mandated with adjudicating high-level corruption cases investigated by the National Anti-Corruption Bureau of Ukraine (NABU) and prosecuted by the Specialized Anti-Corruption Prosecution Office of Ukraine (SAPO). HACC completes the chain of specialized bodies in the criminal justice sector established for effective investigation, prosecution and adjudication of high-level corruption cases in Ukraine. The EUACI is one of the main international technical assistance programs that is continuously committed to provide technical assistance to achieve full operationalization of the HACC. The assistance is provided through the EUACI established Support Group for HACC and include assistance at the strategic level concerning the overall operational and strategic planning for 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.

The EUACI seeks to enforce its legal and research analysis capacity with additional human resources. Therefore, the EUACI envisages recruiting legal analyst to assist the EUACI team and the HACC Support Group with the related implementation processes.

# Objective

The objective of the assignment is to assist the EUACI and its beneficiaries with legal analysis and research, including assessment of legislative initiatives and other normative acts, in order for the program and its beneficiaries, particularly the HACC, to take well informed decisions and develop comprehensive advise.

# Scope of work and expected deliverables

# Scope of work

The National Legal Analyst will be responsible for assisting the EUACI in providing technical assistance with legal analysis and research. The consultant shall ensure that the Ukrainian legal context and specifics as well as lessons learned from the criminal justice processes and criminal procedure already conducted are adequately reflected and addressed in EUACI’s work:

* Conducting legal analysis research;
* Drafting of legal documents and legal opinions as well providing ad-hoc legal advice related to the anti-corruption policy, including the functionality of the HACC;
* Assisting the EUACI on other legal matters related to its work regarding the functionality and operationalization of the HACC;
* Monitoring developments related to the functionality of the HACC and alerting EUACI management accordingly;
* Assisting the EUACI on legal matters related to legislative initiatives in the sphere of its beneficiaries;
* Assisting (international) selection panels in different anti-corruption bodies, as required;
* Attending working meetings with relevant national and international stakeholders, as required;
* drafting minutes of meetings, proof reading legal translations;
* other tasks as assigned.

# Expected deliverables

* Legal assessments and opinions;
* Action plans and strategic documents for areas identified and agreed with the national counterparts and as required;
* Legal analysis, research and official correspondence;
* Internal regulatory framework documents for different anti-corruption bodies, the EUACI beneficiaries;
* Other thematic documents, including briefing notes, minutes 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.

# 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 7 months, with a maximum duration of 90 working days.

# Professional Requirements

Education and Experience:

* Graduate degree in Law;
* At least 6 years of proven professional legal experience in the anti-corruption-related field;
* Experience with reform processes in the justice and/or anti-corruption sectors, very good knowledge and understanding of reform processes in Ukraine;
* Excellent communication and drafting skills in English and Ukrainian;
* Experience in preparing analytical and research reports;
* Skills of legislative drafting and peer-reviewing will be considered as an asset;
* Fluency in written and oral English and Ukrainian is essential.

**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. 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](mailto:tulsted@ukraine-aci.com) with the subject " National Legal Analyst: Legal Analysis and Research":

* CV of the expert;
* Motivation letter;
* Financial proposal;
* Sample of analytical/research work conducted by the candidate.

Deadline for proposals submission is **27 September 2019, 17:00 Kyiv time.**

**Clarification questions**

Questions for the Request for Bid should be addressed to Ms. Halyna Kokhan, [halkok@ukraine-aci.com](mailto:halkok@ukraine-aci.com), no later than 26 September 2019, 17:00 Kyiv time.