TERMS OF REFERENCE

 **For the Local Expert on National Law for the Development of the Institutional Strategy for the Specialised Anti-Corruption Prosecutor's Office of Ukraine**

1. Background and context

The European Union Anti-Corruption Initiative in Ukraine (EUACI) is the biggest European Union (EU) programme in the area of anti-corruption in Ukraine, co-funded and implemented by the Ministry of Foreign Affairs of Denmark on behalf of the EU. Based on the significant results of the joint Danish and EU efforts during the EUACI Phase II in 2020-2024, Denmark and the EU engaged in a third phase of the programme aimed at supporting Ukraine in its efforts to reduce corruption at the national and local level through the empowerment of citizens, civil society and state institutions.

The EUACI Phase III strategic objectives are that: corruption in Ukraine is reduced; Ukraine advances with anti-corruption reform; and reconstruction in war-affected areas of Ukraine is implemented within a framework that incorporates transparency, accountability, and integrity.

One of the key beneficiaries of the EUACI is the Specialized Anti-Corruption Prosecutor's Office (SAPO). Established in 2015, SAPO is a prosecutorial agency with a primary mandate to prosecute top-level corruption, including criminal offences committed by senior public and local officials and cases that threaten national security. The Law “On Prosecution” determines SAPO’s status, mandate, powers, and organization, while the Criminal Procedure Code of Ukraine defines its investigative jurisdiction.

As SAPO became a separate legal entity in 2024, the Head of SAPO recently made a formal request to the EUACI for assistance in developing an institutional strategy, as SAPO currently does not have one. Furthermore, the need for SAPO to adopt an independent institutional strategy was highlighted in The Shadow Report to the European Commission’s 2023 Report on Ukraine, produced by the Agency for Legislative Initiatives. The institutional strategy is expected to provide a framework for future capacity building support to SAPO provided by the EUACI.

To ensure the sustainable institutional development of SAPO, the EUACI will provide consultancy assistance to help SAPO develop its institutional strategy and an accompanying implementation action plan. This process will be led by SAPO and facilitated by the EUACI. The main outcomes of the exercise are twofold:

1. The development of a draft institutional strategy (tentatively for 2025–2027, however period is subject to final agreement with SAPO);
2. Enhancement of SAPO’s internal capacities to ensure the agency is fully equipped to implement the strategy.
3. Scope of work

The assignment is recommended to be implemented in the following approximate stages, in full coordination with SAPO and the EUACI. These stages are not exhaustive and may be adjusted based on proposals from the service provider:

1. Study the relevant legislation and key documents that regulate and assess SAPO’s work, including existing recommendations.
2. Organise and conduct a series of interviews and strategic discussions with SAPO leadership, employees, and key stakeholders (e.g., NABU, HACC, donor community, and civil society) to identify priorities, challenges, and potential pathways for SAPO’s institutional development.
3. Develop the draft SAPO institutional strategy in close collaboration with SAPO to ensure institutional ownership of the document.

To achieve this, the EUACI intends to hire an international expert to lead the strategy development process, alongside a local expert on national legislation and a local adviser specialising in strategy development. The role of the local expert in national law will be to provide assistance by leveraging their knowledge of national legislation and the specific workings of national law enforcement and anti-corruption institutions. The national expert will work under the leadership of international expert.

The local expert on national law will support the international expert in the development of SAPO's institutional strategy and will undertake the following responsibilities (not limited to):

* Assisting the international expert in the strategy development process;
* Submitting proposals for the methodology and drafting the strategy;
* Advising the international expert on matters related to national law enforcement and anti-corruption legislation;
* Liaising with SAPO and other stakeholders.
1. **Deliverables (outputs)**

The key outputs include the following:

1. Input to a work plan submitted to SAPO and the EUACI within two weeks of signing the contract by the international expert.
2. Input to the first draft of SAPO’s institutional strategy document and an accompanying implementation action plan submitted within two months of signing the contract by the International Expert and a Team-Leader.
3. Input to the final institutional strategy document and an accompanying implementation action plan submitted within three months of signing the contract by the international expert.
4. **Requirements for the Expert**

The key qualifications of the expert should include the following:

* Relevant education, up to Master's level, or an academic background that demonstrates the ability to perform the duties and responsibilities outlined;
* At least 5 years of experience in areas related to the rule of law, law enforcement, prosecution and preferably anti-corruption in Ukraine.
* Fluency in Ukrainian language.
* Proficiency in both written and spoken English is an advantage.
1. **Timing**

The intended commencement date is the date of contract signing by both parties. The activities and deliverables outlined under Scope of Work and Deliverables shall be completed within three months following the contract signature.

The selected adviser will approve the actual timeline and coordinate it with SAPO and the EUACI.

Contractors will be selected in January 2025, and work is expected to commence in February 2025.

1. **Input**

The requested indicative input for the assignment is a total of **40 person-days.**

1. **Reporting and management**

The main counterpart for the adviser is the European Union Anti-Corruption Initiative in Ukraine (EUACI), based in Kyiv (www.euaci.eu), to whom the adviser will report.

The performance of the adviser will be evaluated based on the achievement of the deliverables outlined in this document.

SAPO and the EUACI will provide all relevant background documents necessary for the assignment. The EUACI will cover reasonable translation and interpretation costs.

1. **Special requirements**

By signing the contract, the adviser agrees to hold in trust and confidence any information or documents ("confidential information"), disclosed to the adviser or discovered by the adviser or prepared by the adviser in the course of or as a result of the implementation of the contract, and agree that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party. The adviser also agrees not to retain copies of any written information or prototypes in their own archive and for their own use.

1. **Contracting authority**

The Contracting Authority is the Ministry of Foreign Affairs of Denmark, European Union Anti-Corruption Initiative in Ukraine (EUACI).

**HOW TO APPLY**

**The deadline for submitting proposals is 24 January 2025, at 12:00 Kyiv time.**

Qualified service providers should submit the following documents:

* Proposed methodology outlining approach to development of SAPO institutional strategy;
* A financial proposal including the daily rate and total number of days;
* A detailed CV with the portfolio of similar assignments.

Documentation must be provided **in English.**

Applications should be sent to **sashamiroshnik12@gmail.com** and **euaci@um.dk**, with the subject line: “**Local Expert on National Law for the Development of the Institutional Strategy**”.

Please note that the applicant will receive an auto-reply from euaci@um.dk when the proposal is received. If this is not the case, then please contact the EUACI before the deadline.

Bidding language: English.