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Terms of Reference

Position:	International Consultant on strategic development of the High Judicial Council of the Republic of Kazakhstan
Project title:	Improving processes of coordination and consultation, interaction between state bodies in the field of law making
Type of Contract	IC – Individual Contract
Contract Duration:	August – November 2019 (not more than 45 work days)

1. Project Background

The Republic of Kazakhstan, through its Ministry of Justice, with financial support from the International Bank for Reconstruction and Development is implementing the Justice Sector Institutional Strengthening Project. The overall aim of this initiative is to support institution-building activities for a wide range of justice related services provided by various state bodies and organisations. Several important initiatives have been financed through this modality.

The United Nations Development Programme in Kazakhstan devotes significant resources and attention to supporting the institutional reform in the country, with specific emphasis on Justice sector reform, which is one of the key priority reform areas for the Government of Kazakhstan. Solid portfolio of joint initiatives in this important development area helped UNDP and the Government to advance agenda 2030, and SDG 16 in Kazakhstan.

In the framework of this work, following the request for support from the High Judicial Council of the Republic of Kazakhstan (hereinafter referred to as the Beneficiary), UNDP and the Ministry of Justice signed an Agreement on 4 October 2018 and commenced a Project titled 'Provision of technical assistance in improving processes of coordination and consultation, interaction between state bodies in the field of law making'.

The objective of this Project is to improve coordination and consultation processes and interaction between state bodies and organizations with an aim to enhance the quality of rulemaking through the adoption of international good practices, and optimize the processes and procedures for interaction between state bodies and organizations in the development and harmonization of the legal framework to improve the capacity of the High Judicial Council in modernization its key activities.

Ultimately, it is expected that this Project will contribute to building transparent, accountable and modern HR processes in Kazakhstan's Judiciary, help professionalize judges and courts' staff, and increase level of trust towards judiciary among multiple stakeholders, including businesses and public at large.

2. Objectives and tasks of the assignment

The key objectives of the International Consultant for strategic development of the High Judicial Council of the Republic of Kazakhstan (hereinafter referred to as the Consultant) are to analyse the current situation and develop recommendations for the implementation of strategic areas for enhancing and improving the activity of the High Judicial Council in the following areas of work:

- movement of judges to the courts of other regions;
- participation of judges in the law making process and their role in it, special referral of judges for participation in the law making process;
- approaches to the preparation of the annual National Report on the status of judicial personnel in the judicial system;
- organization of the work of the Court Jury and the personnel reserve committee;
- consideration of disciplinary cases against judges;
- application of HR tools and technologies in the work of the High Judicial Council.

The Consultant shall analyse the rules, national legislation, procedures and current practice of the Republic of Kazakhstan upon the results of the implementation of legislative innovations of 2018-2019 aimed at improving the activities of the High Judicial Council, and conduct a review of good practices of the strategic development of foreign judicial councils and / or their analogues at the current stage in OECD countries with good practices, as well as in the post-Soviet countries (for example, Lithuania, Estonia) that have ensured the independence and inviolability of judges, a high level of public trust in the judicial system, good models for the selection and training of judge candidates and judges.

As part of this work, a SWOT analysis of the quality of the work of the High Judicial Council is also expected, through which it will determine: strengths (S) for further modernisation; weaknesses (W) of the activity of the High Judicial Council; propose opportunities for improving the performance (O) of the High Judicial Council; assess and analyse threats (T), with the development of relevant recommendations for their management.

Based on the analysis, the Consultant will prepare:

- Proposals for the draft Programme for the implementation of strategic areas for enhancing the capacity and improving the activity of the High Judicial Council and its further institutional strengthening (hereinafter - the draft Programme);
- The draft Plan for the implementation of the Program for the implementation of strategic areas for enhancing the capacity and improving the activity of the High Judicial Council and its further institutional strengthening (hereinafter - the draft Plan);
- Recommendations for the application of advanced international good practices and generally recognised international standards for further improvement of the activity of the High Judicial Council, with the identification of factors that contribute to the successful implementation or hinder it.

It is expected that the Consultant will work closely with the National expert on analysing the current situation and making recommendations for the improvement of the High Judicial Council. The National expert will be responsible for drafting the Programme and the Plan.

3. Expected outputs and deliverables

№	Expected deliverables	Target due date	Estimated duration to complete (in work days)	Review and approvals required
1.	Detailed report on the results of the conducted analysis of good practices of the strategic development of foreign judicial councils and their analogues with	13 September 2019	20 work days	UNDP Project Manager, the Beneficiary, UNDP Head of

	specific recommendations for their application			Governance Unit
2.	Report including recommendations to the Draft Programme for the implementation of strategic areas for enhancing and improving the activities of the High Judicial Council and to the Draft Plan for its implementation.	15 November 2019	25 work days	

4. Institutional arrangements

UNDP will sign the contract with the Consultant in accordance with the approved UNDP recruitment procedures for an individual contract. Payment for services will be made from the Project funds with satisfactory discharge of duties and achievement of results. The results of the work shall be approved by the Project Manager, the Beneficiaries, and by the UNDP Head of Governance Unit.

- The Consultant will work under the direct supervision of the UNDP Project Manager, and UNDP Head of Governance Unit;
- The Consultant is responsible for the quality and timely submission of the deliverables;
- The Consultant ensures timely and rational planning, implementation of activities and achievement of results in accordance with the Terms of Reference;
- The Consultant provides the results of work in accordance with clause 3 of this Terms of Reference;
- The Consultant shall provide reports in electronic form in MS Word format in English.

5. Duration of assignment

The consultant is expected to devote a maximum of 45 work days over a period of 4 calendar months August – November 2019. The assignment should be started immediately after signing the contract.

6. Duty Station

Home-based with three (3) visits to Nur-Sultan, Kazakhstan (each trip is estimated to last up to five (5) days).

7. Qualification requirements

- University degree in the field of law, public policy, political science, public administration and/or other related area; Master's degree or other academic degree will be an advantage;
- at least 7 years of international professional experience in OECD countries and / or OECD structures for state planning and management, including the judiciary;
- at least 5 years of work experience in development of strategic and policy documents for the judicial system, in particular judicial councils (magistracies) or their analogues;
- work experience in the post-Soviet states will be an advantage;
- knowledge of English is mandatory; knowledge of Russian and / or Kazakh languages will be an advantage.

8. Competencies

- Excellent analytical skills and ability to write in a concise and comprehensible manner;
- ability to work with tight deadlines and prepare accurate and clear reports for policy makers, at a short notice;
- ability to interact with high government officials; also, be able to work closely with technical experts on a day-to-day basis, as well as to provide hands-on technical assistance and knowledge transfer.

9. Scope of price proposal

This is a lump sum contract for the completed result. The interested candidate must submit his/her financial proposal in a separate file (from other required documents to be submitted). The financial proposal should include all the expert's expenses, including his fees, transportation costs, travel expenses, communication expenses and any other relevant expenses for the assignment and necessary for obtaining the above results

within the Terms of Reference. Payment will be made in tranche after the approval of the report, based on the above results and the signing of the Certificate of payment for the result by the Head of the UNDP Governance Unit.

10. Required documents

The following documents only in PDF should be attached to the application (proposal) and sent by e-mail to the following address: procurement.kz@undp.org indicating Ref. 2019-021 in the subject of the letter no later than August 6, 2019:

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP; template attached;
- Detailed personal CV, indicating all past experience from similar projects, as well as the contact details (email and telephone number) and other supporting information confirming that the Candidate meets the qualification requirements;
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided;
- Copies of higher education diplomas and other relevant documents.

Due to the technical features of e-mail, the size of the file should not exceed 9 Mb per message. There could be maximum of 3 e-mail transmissions.

11. Evaluation criteria

Individual consultants will be evaluated based on a Combined Scoring Method taking into consideration the combination of the applicants' qualifications and financial proposal.

The award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight [70%];

* Financial Criteria weight [30%].

* Only the highest ranked candidates who received a score of at least 350 points (70%) upon the result of the technical evaluation will be admitted to the financial assessment.

Technical Criteria	Weight, %	Max. points
University degree in the field of law, public policy, political science, public administration and/or other related area; Master's degree or other academic degree will be an advantage	15%	75
At least 7 years of international professional experience in OECD countries and / or OECD structures for state planning and management, including the judiciary	35%	175
At least 5 years of work experience in development of strategic and policy documents for the judicial system, in particular judicial councils (magistracies) or their analogues	30%	150
Work experience in the post-Soviet states will be an advantage	10%	50
Knowledge of the English language is mandatory, knowledge of Russian and/or Kazakh languages is considered an advantage	10%	50
TOTAL	100%	500

Approved by:

Konstantin Sokulskiy

Head of UNDP of Governance Unit

Signature

Konstantin Sokulskiy

Date: 24.07.2019