

TERMS OF REFERENCE

Position:	International Expert in Quality of Administration of Justice
Project Title:	Modernization of the judicial system and access to justice in Kazakhstan
Type of contract:	IC - Individual Contract
Duty station:	Home-based with two trips to Nur-Sultan, Kazakhstan
Contract duration:	September – December 2019

1. PROJECT BACKGROUND

The development strategy – “Kazakhstan’s Way to 2050: Common Goals, Common Interests, Common Future” – lays out the strategy of the country becoming one of the 30 most developed countries in the world by 2050. This strategy is focused on economic diversification, innovation, investment in human capital and international trade integration. It also seeks to strengthen governance, enhance the quality of public services and improve the business climate in the country.

Notwithstanding the progress made to date in many development areas, significant institutional and governance challenges remain, constraining the state’s ability to effectively formulate and implement its development policies.

Kazakhstan’s aspiration to enter the ranks of the 30 most competitive economies in the world is not possible without an independent, effectively functioning and free from corruption judiciary. This objective cannot be attained without the engagement of highly skilled people, capable of working in accordance with the envisioned new requirements.

The project “Modernization of the judicial system and access to justice in Kazakhstan” (hereinafter – Project) is implemented within the framework of the Justice Sector Institutional Strengthening Project under the loan from the International Bank for Reconstruction and Development. As part of this project, UNDP promotes the development of the justice sector in Kazakhstan by providing institutional support to selected government bodies (beneficiaries) that provide a wide range of justice services, including registration services, the provision of legal aid, broadening access to justice, and the execution of judicial acts. The key beneficiaries of the Project are the Supreme Court of the Republic of Kazakhstan (hereinafter - the SC, the Beneficiary) and the Ministry of Justice of the Republic of Kazakhstan, which also acts as the project administrator.

The overall objective of the Project is to increase the capacity of the Supreme Court to manage and support the judicial system in its efforts to increase public trust in courts, by: (i) the preparing and conducting institutional assessments, analyses and reviews of the judicial system; (ii) strengthening the institutional capacity of the SC to perform administrative and management functions with regards to local courts.

2. OBJECTIVES AND TASKS OF THE ASSIGNMENT

In recent years, significant measures aimed at modernization of the national judicial system have been taken in order to increase its institutional capacity, improve the operational effectiveness of courts and to strengthen public trust in the national judicial system. An effective legislative framework for judicial activities has been created, complex measures on strengthening courts’ independence have been implemented, specialized courts have been introduced, human resource management reformed, judicial procedures simplified and access to the justice system is being expanded. A three-tier justice system was introduced, to shorten the time of case disposal and enable timely and speedy enforcement of judicial decisions.

At the same time, the improvement of quality of administration of justice and consequently, the achievement of uniform judicial practice and minimal judicial errors remain a matter of current interest. There is no established efficient quality management system of administration of justice. The uniformity of judicial practice is currently undertaken through judicial rule-making (Normative resolutions of the SC), appeal and cassation activities of courts. However, neither cassation nor appeal instances are currently able to fully cope with this task.

One of the key objectives of this Project is to assist in developing quality management system of administration of justice in line with good international practices. Therefore, UNDP is going to engage an International Expert in Quality of Administration of Justice (International expert) who is expected to develop together with the National Expert the quality management system of administration of justice, including criteria, procedures and mechanisms for monitoring and assessment of the efficiency of courts' performance in all types of legal proceedings.

As part of this scope of work, the International expert will:

- Summarize the international practices of development of quality management systems of administration of justice, conceptual approaches and methodologies, including the issues of development of a uniform judicial practice (case study of 2-3 countries with both civil law and common law systems);
- Develop a draft quality management system of administration of justice and a draft methodology for monitoring and analysis of judicial practice to ensure its uniformity and minimize judicial error;
- Draft system of indicators for quality management system of administration of justice;
- Draft methodology for monitoring and analysis of judicial practice.

The International expert will contribute to the quality implementation of the tasks as set out in this TOR under the guidance of the Project's Chief Technical Advisor and the UNDP Governance Unit.

3. EXPECTED OUTPUTS AND DELIVERABLES

No	Expected deliverables	Target Due Dates	Review and approvals required
1.	Overview of the international practices' development of QMS of administration of justice and main conclusions of best practices.	15 October 2019	Project's Chief Technical Advisor, UNDP Head of Governance Unit
2.	Draft system of indicators for quality management system of administration of justice	15 November 2019	
3.	Draft methodology for monitoring and analysis of judicial practice	15 December 2019	
4.	Final report on the work undertaken	23 December 2019	

4. INSTITUTIONAL ARRANGEMENTS

UNDP will sign the contract with an International Expert 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's Chief Technical Adviser, and by the UNDP Head of Governance Unit.

- The international expert will work under the direct supervision of the Project's Chief Technical Adviser and UNDP Head of Governance Unit;
- The international expert is responsible for the quality and timely submission of the deliverables;
- The international expert ensures timely and rational planning, implementation of activities and achievement of results in accordance with the Terms of Reference;
- The international expert provides the results of work in accordance with clause 3 of this Terms of Reference;
- The international expert should provide report in electronic form in MS Word format in English.

5. DURATION OF ASSIGNMENT

The contract will be concluded for a period of 4 months to fulfill all the results listed above during September – December 2019. The assignment should be started immediately after signing the contract.

6. DUTY STATION

Home-based with 2 trips to Nur-Sultan, Kazakhstan in the beginning and the end of the assignment (10 days for each trip).

7. MINIMUM QUALIFICATION REQUIREMENTS

- University degree in law;
- At least 3 years of practical experience as a judge;

- At least 5 years of practical work experience in judicial practice analysis in civil law countries;
- At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;
- Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.

8. COMPETENCIES

- Excellent analytical and writing skills;
- Ability to work under pressure meeting tight deadlines, and prepare accurate and clear reports at short notice for policy makers;
- Capability of listening to the Beneficiary, and ability to convert the Beneficiary's vision into concrete result.

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 Analyst 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. **2019-024** in the e-mail subject no later than **15.00 (Nur-Sultan time zone) August 23, 2019:**

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP; Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided;
- 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;
- 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:

- responsive/compliant/acceptable, and
- 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.

Min Technical Criteria	Weight, %	Min pass points	Max. points
University degree in law, academic degree is an advantage;	10%	35	50
At least 3 years of practical experience as a judge	20%	70	100
At least 5 years of practical work experience in judicial practice analysis in civil law countries;	30%	105	150
At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;	30%	105	150
Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.	10%	35	50

TOTAL	100%	350	500
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Approved by:

Konstantin Sokulskiy
UNDP Head of Governance Head

OIC Samal Bex
Programme
Associate

Signature

Samal Bex

Date

8/12/2019