

## Term of Reference (ToR)

### GENERAL INFORMATION

<b>Services/Work Description:</b>	Recruitment of Two National Consultants to Conduct Assessment on federal judges training mechanisms, develop curriculum and modules for entry, continuous and specialized trainings (Associate Researchers)
<b>Project/Program Title:</b>	Support to Judicial Reform in Ethiopia
<b>Post Title:</b>	National Consultant – Two Associate Researchers
<b>Consultant Level:</b>	<b>Level A</b>
<b>Duty Station:</b>	Addis Ababa, Ethiopia
<b>Duration:</b>	30 Days each
<b>Expected Start Date:</b>	Immediately after Signing the Contract

### I. BACKGROUND / PROJECT DESCRIPTION

Since November 2019 the Federal Supreme Court (FSC) is undertaking reform activities with the aim of enhancing effectiveness and efficiency of the Judiciary and restoring public trust. It has developed a three years' reform project plan, established a Judicial Affairs Advisory Council (JAAC) and revised laws pertinent to judicial reform.

The three years' reform plan has the objectives of: -

- i. Strengthening Judicial Independence and Accountability
- ii. Increasing access to justice and legal empowerment
- iii. Enhance Court Performance through effective and efficient service delivery

The existing judicial training for judges is widely used at entry level where on the job trainings are inconsistent and sometimes lacking. The entry level judicial training is given by the Legal and Justice Research and Training Institute (FLJRTI). The institute has the mandate to train judges as well as other experts in the justice sector such as public prosecutors. Assessments made in the past have identified lack of continuous and specialized training for judges as one of the gaps in the judiciary. The studies indicate that such trainings would enable judges to craft innovative and specific decisions that take into consideration the complexity and evolving nature of some sectors. Thus, introducing consistent, regular, continuous and specialized training programs are found to be one of the crucial mechanisms to achieve the objectives of the ongoing reform.

On the other hand, some scholars have the opinion that provision of judicial training by an institution that is not part of the judiciary affects the perception on the independence of the judiciary. Hence, assessment of the existing judicial trainings mechanism is necessary to explore the validity of such assumptions by looking into the impact of the existing judicial training mechanisms on judicial independence, evaluate their contribution for an effective and efficient judicial service and provide recommendations for entry, continuous and specialized training mechanisms. Based on the findings of the assessment, the FSC envisages a curriculum, a training strategy, training calendar as well as training manuals to be developed for entry, continuous and specialized trainings.

The United Nations Development Programme (UNDP) collaborates with the Federal Supreme Court in providing support to the implementation of the three years' reform project plan through the 'Support to Judicial Reform in Ethiopia Project'. As part of this support, in response to the request from the FSC, UNDP is recruiting a team of individual consultants to conduct assessment, develop strategy document and Judicial training manuals, as per the ToR. The Team will comprise of three roles: a Team Leader, senior consultant and 2 associate researchers.

## **II. OBJECTIVES OF THE SERVICE / WORK**

The primary objective of this assignment is developing a strong and consistent judicial training mechanism by assessing the pros and cons of the existing judicial training mechanisms in light of the FSC reform objectives, international standards for judicial independence and judicial trainings.

Major changes in global as well as national economies, social structures and governance led to an increase in caseloads and emergence of more complex laws and legal issues. International practice shows that judicial education and training is an essential element of judicial independence, as it helps to ensure the competency of the judiciary. In an age that increasingly demands more judicial independence and understanding to solve the increasingly complex and sensitive issues society leaves to be settled by litigation, the need for judicial education is perceived as greater than ever. In addition, the value of judicial education can be related to specific outcomes, such as better managed and less costly litigation, as well as greater public confidence in the judiciary.

Recent changes in Ethiopia induced legal and institutional reforms across government portfolios. The federal judiciary with legal and institutional reforms envisions to regain public confidence. Such vision is to be achieved among others by building the capacity of judges to deliver innovative decisions without compromising judicial integrity. Therefore, this particular assignment aims at evaluating strengths and gaps of the existing judicial training mechanism, build on its strengths, fill gaps and develop a mechanism for consistent and regular continuous judicial education.

## **III. SCOPE OF THE SERVICE / WORK, Duties & Responsibilities**

The scope of the consultancy work will cover the following:

- Prepare inception report consisting of a work plan, detailed assessment methodology, time frame, and illustrative list of materials to be reviewed and stakeholders to be interviewed;
- Conduct an in-depth assessment of the pros and cons of existing judicial training mechanisms on judicial integrity and quality decision making including assessment among judges and court users' surveys (evaluations that extend outside of the judiciary);
- Research on best practices from other countries on delivering training to judges;
- Produce an assessment report with strengths and gaps of existing training mechanisms and recommendations that helps to achieve FSC's reform objectives including modality to establish on job trainings;
- Present progress report and findings of the assessment for the leadership of federal courts and during consultation forums;
- Document and incorporate comments and feedbacks from federal courts leadership and consultation forums;
- Conduct needs assessment to determine training needs of federal judges;
- Develop a curriculum for entry level and on job continuous and specialized trainings of judges;
- Develop entry level and continuous and specialized training strategy including modality for delivery of the training;
- Produce an entry, continuous and specialized training schedule framework;
- Develop comprehensive new/updated training modules for entry, continuous and specialized trainings based on priority list to be provided by the Court leadership; incorporate feedback and inputs and submit final version of modules

Duties and Responsibilities of the Research Associates:

Under the guidance and leadership of the Team Leader and the senior consultant, the associate researchers shall: -

- provide technical and operational support in the preparation of all deliverables of the consultancy assignment, i.e.;
  - Conduct an in-depth assessment of the pros and cons of existing judicial training mechanisms on judicial integrity and quality decision making including assessment among judges and court users' surveys (evaluations that extend outside of the judiciary);
  - Research on best practices from other countries on delivering training to judges;
  - Produce an assessment report with strengths and gaps of existing training mechanisms and recommendations that helps to achieve FSC's reform objectives including modality to establish on job trainings;

- Document and incorporate comments and feedbacks from federal courts leadership and consultation forums;
- Conduct needs assessment to determine training needs of federal judges;
- Develop a curriculum for entry level and on job continuous and specialized trainings of judges;
- Develop entry level and continuous and specialized training strategy including modality for delivery of the training;
- Produce an entry, continuous and specialized training schedule framework;
- Develop comprehensive new/updated training modules for entry, continuous and specialized trainings based on priority list to be provided by the Court leadership; incorporate feedback and inputs and submit final version of modules.

### III. EXPECTED OUTPUTS AND DELIVERABLES

Each Research Associate, under the guidance and leadership of the Team Leader and Senior Consultant, shall contribute towards preparation of the following deliverables:

No.	Deliverables / Outputs	Review and Approvals Required
i.	Assessment Report with recommendation	FSC President and Vice President
ii.	Curriculum document for entry, continuous and specialized training of judges	
iii.	An entry level, continuous and specialized training strategy	
iv.	Training schedule framework for entry, continuous and specialized training	
v.	Comprehensive new/updated training modules for entry, continuous and specialized trainings based on priority list to be provided by the Court leadership.	

Unless otherwise provided, all deliverables shall be produced in **Amharic** in hard and soft copies.

### IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultants have dual reporting responsibility to the Team Leader and FSC.

### V. DURATION OF THE WORK

The overall consultancy period for each Associate Researcher, for all activities is 30 working days.

### VII. QUALIFICATIONS

#### **Functional Competencies:**

- Understanding of the Ethiopian legal system, human rights and rule of law;
- Experience in conducting research, developing training materials;
- Good communication and presentation skills;
- Good assessment and analytical skills;
- Be a team player and ability to work /liaise with various counterparts.

#### **Core Competencies: -**

- Exhibits professionalism;
- Demonstrates integrity by modelling UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favoritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

#### **Education: -**

- A Master's degree in the area of law or other relevant social sciences.

#### **Experience: -**

- A minimum of five years' experience in legal research, teaching, curriculum development and adult-education material development.

## **Language Requirements**

The consultants shall demonstrate proficiency in English and Amharic.

## **VIII. CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified Individual Consultants is expected to submit both the Technical and Financial Proposals. Accordingly; Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- 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. In this regard, the respective weight of the proposals is:
  - a. Technical Criteria weight is **70%**
  - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	
▪ <b>Criteria a.</b> Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal		50 pts*
▪ <b>Criteria b.</b> Expertise in the areas of assignment including previous experience and team composition		20 pts
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

## **IX. PAYMENT MILESTONES AND AUTHORITY**

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 <sup>st</sup> Installment	Upon submission, presentation and approval of inception report, demonstrating good understanding of the assignment, methodology, timeframe, deliverables and assessment report.	FSC	20 %
2 <sup>nd</sup> Installment	Upon submission, presentation and approval of: <ul style="list-style-type: none"><li>- Curriculum document for entry, continuous and specialized training of judges;</li><li>- An entry level, continuous and specialized training strategy</li><li>- Training schedule framework for entry, continuous and specialized training.</li></ul>	“	40 %
3 <sup>rd</sup> Installment	Upon submission, presentation and approval of: <ul style="list-style-type: none"><li>- New/updated training modules for entry, continuous and specialized trainings</li></ul>	“	40%

## **X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL**

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, prospective Consultants are given a proposed *Table of Contents*. Therefore, prospective Consultants Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

## **TECHNICAL PROPOSAL COVER PAGES**

Cover Page

Cover Letter

## **SECTION I. TECHNICAL PROPOSAL SUBMISSION FORM**

- 1.1 Letter of Motivation
- 1.2 Proposed Methodology
- 1.3 Past Experience in Similar Consultancy and/or Projects
- 1.4 Implementation Timelines
- 1.5 List of Personal Referees
- 1.6 Bank Reference
- 1.7 Copy of Academic credentials

## **SECTION II. ANNEXES**

Annex a. Duly Signed Offeror's Letter to UNDP Confirming Interest and Availability (use the template hereto)

Annex b. Duly Signed Personal CV's /P11

## **XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS**

The Consultants shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of FSC and UNDP.

## **XII. HOW TO APPLY**

Interested consultant with required qualification and experience must submit their applications through: <https://etendering.partneragencies.org> UNDP/ETH10/Event ID: **ETH1947**