



Term of Reference (ToR) for the Recruitment of Consultant

GENERAL INFORMATION

Services/Work Description: Recruitment of consultants to Conduct Assessment on federal judges training mechanisms, develop curriculum and modules for entry, continuous and specialized trainings

Project/Program Title: Support to Judicial Reform in Ethiopia

Post Title: National Consultant – Senior Consultant

Consultant Level: Level B (Specialist)

Duty Station: Addis Ababa

Duration: 60 Days

Expected Start Date: 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. Enhancing Court Performance through effective and efficient service delivery

The existing judicial training for judges is widely used at entry level where on-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 is mandate to train judges as well as other experts in the justice sector such as public prosecutors. Assessments made in the past shows that one of the gaps in the judiciary is lack of continuous and specialized training for judges. The studies indicate that such trainings would enable judges to craft innovative and specific decisions that takes into considerations the complexity and evolving nature of some sectors. Also, introducing a consistent and regular continuous and specialized training programs is 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 the conduct of judicial training by an institution that is not part of the judiciary affects the perception on the independence of the judiciary.

Hence, an assessment on the existing judicial trainings mechanism is found to be necessarily to explore the validity of assumptions on the impact of the existing judicial training mechanisms on judicial independence, evaluate its contribution for an effective and efficient judicial service to provide recommendations for entry, continuous and specialized training mechanisms. Based on the findings of the assessment, the FSC envisages a curriculum, a training strategy and training calendar to be developed for entry, continuous and specialized trainings.

Sl



With this background, the United Nations Development Programme (UNDP) is engaged with the FSC in implementing its reform project among others supporting the recruitment of consultants to conduct assessments and develop materials.

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.

Under the guidance and leadership of the Team Leader, in collaboration with the team members, the Senior Consultant will be responsible for:

- Deliberating on the technical perspective on all aspects of the design, process, presentation and reporting, working on all deliverables of the assignment;

III. EXPECTED OUTPUTS AND DELIVERABLES

The Senior Expert with other consultants shall produce the following deliverables:

| No. | Deliverables / Outputs | Estimated Duration to Complete | Review and Approvals Required |
|------|---|--------------------------------|--------------------------------|
| i. | Inception Report/ Assessment Report with recommendation | | Federal Court Supreme Court |
| 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 FSC and UNDP.

V. DURATION OF THE WORK

The overall consultancy period for all activities is 60 working days.

VII. QUALIFICATIONS

Functional Competencies:

- In-depth knowledge of the Ethiopian legal system, laws and issues relevant to justice, human rights and rule of law;
- Experience in conducting research, developing training materials in the legal field preferably on areas relevant to legal training;



- Good communication and presentation skills;
- Good assessment and analytical skills;
- Be a team player and ability to work/liase 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: -

- Minimum of a Master’s degree in law.

Experience: -

- A professional experience of minimum of seven years in the Ethiopian legal and justice system with role in judicial training, curriculum development and adult-education material development.

Language Requirements

The consultant shall demonstrate proficiency in English and Amharic.

Important Note:

Only applicants who hold the above qualifications will be shortlisted and contacted.

VIII. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit:

- A. Evidence of relevant work experience;
- B. Technical proposal;
- C. Financial proposal;

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 |
|--|------------|------------|
| Technical Competence (based on CV, Proposal and interview (if required)) | 70% | 100 |
| <ul style="list-style-type: none"> ▪ Criteria a. Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal | | 50 pts* |



| | | |
|--|--|--------|
| <ul style="list-style-type: none"> ▪ Criteria b. Expertise in the areas of assignment including previous experience and team composition | | 20 pts |
| Financial (Lower Offer/Offer*100) | 30% | 30 |
| Total Score | Technical Score * 70% + Financial Score * 30% | |

IX. PAYMENT MILESTONES AND AUTHORITY

The prospective consultant will indicate the cost of services for each deliverable in **US dollars' all-inclusive lump-sum contract amount** when applying for this consultancy. The consultant will be paid **based on the effective UN exchange rate (where applicable), and** only after **approving authority** confirms the successful completion of each deliverable as stipulated hereunder.

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 st Installment | Inception Report/Assessment report | FSC | 20 % |
| 2 nd Installment | <ul style="list-style-type: none"> - Curriculum document for entry, continuous and specialized training of judges; - An entry level, continuous and specialized training strategy - Training schedule framework for entry, continuous and specialized training. | " | 40 % |
| 3 rd Installment | <ul style="list-style-type: none"> - New/updated training modules for entry, continuous and specialized trainings | " | 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.

XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Consultant 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.

SA



This TOR is approved by:

Name: Cleophas Toriri

Designation: Deputy Resident Representative

Signature: *Cleophas Toriri*

Date Signed: 21-Oct-2020