



**Terms of Reference (ToRs)
for the Recruitment of Consultant to conduct a training on the federal administrative
procedure proclamation.**

GENERAL INFORMATION

Services/Work Description: Recruitment of a consultant to conduct training on administrative law proclamation.

Project/Program Title: Interim Support for Justice Sector Institutions

Post: National Consultant

Duty Station: Addis Ababa

Duration: 30 Working Days

Expected Start Date: Immediately after Signing the Contract

I. BACKGROUND / PROJECT DESCRIPTION

Since April 2018 the Government of Ethiopia has launched a series of bold and comprehensive reforms in the country. New initiatives aimed at broadening democratic participation, strengthening justice and the rule of law and creating accountable systems of governance have been undertaken. Legislative and Institutional reforms have been introduced in the justice system. Legislative reforms include the revision of the Charities and Societies Proclamation, Electoral Laws, the Anti- Terrorism Proclamation, Federal Courts Proclamation, the Judicial Administration Commission Proclamation, the Media Law, Criminal Procedure and Evidence Code and new legislation on Hate Speech. The Federal Supreme Court revised the Federal Courts Establishment Proclamation and the Judicial Administration proclamations. Institutional changes were made through the appointment of new leadership and structural changes. The Prison Administration and Federal Police Commissions were set-up under the structures of Attorney General and the (newly established) Ministry of Peace, respectively. Direct administration of non-judicial staff of the Federal Supreme Court as opposed to under the Civil Service Commission is approved by the parliament and transition is underway.



Justice sector institutions are mainly entrusted with the responsibility of ensuring respect for the rule of law, protection of human rights and delivery of justice to the citizens. Coordination, collaboration, and harmonization of efforts among justice institutions is an important factor that contributes to the achievement of the goals of the justice sector reform. At Federal level, the Justice Sector Steering Committee (JSSC/ *Abiy (Main in Amharic)* Committee) comprising of the Federal Supreme Court, the Office of the Attorney General, the Federal Police Commission, the Addis Ababa Police Commission and the Federal Prison Administration, , has developed a 'Common Agenda of Institutions of Justice', with a view to carrying out justice related operations in a coordinated manner. The Common Agenda outlines issues of common concern across the justice sector institutions. The Common Agenda is expected to be translated into a Comprehensive Justice Sector Program which will be implemented as of January 2022. The Interim Support to the JSSC focuses on implementing short term activities. Among these activities is a capacity building on the newly enacted Administrative Procedure Proclamation.

The FDRE constitution provides that, the conducts of the government shall be transparent and government officials shall be held accountable for their failure in delivering services. With this objective, in April 2020 the Ethiopian parliament passed the Federal Administrative Procedures Proclamation (Proclamation no 1183/ 2020). The Proclamation has three basic features. The first one relates to the principles to be followed on administrative decision making, the second one on principles and procedures on administrative rule making while the third one pertains to judicial review on administrative decisions and rules. Member institutions of the JSSC have roles and responsibilities under the new law. For instance, courts have pivotal role in the implementation of the proclamation and in protecting individuals from arbitrary decisions and directives of administrative agencies. In addition, the Federal Supreme Court has power of cassation. The Office of Attorney General is given the power and the responsibility to review,



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register and publicize directives to be issued by administrative agencies. The Police and Prison Commissions as bodies of law enforcement alongside with the Office of the Attorney General may get involved in enforcing the law to advance public interest. As result, building the capacity of judges, prosecutors, the police and prison commission staff on the contents of the law is crucial to ensure that these mentioned objectives are realized.

Therefore, the United Nations Development Programme (UNDP) in partnership with the JSSC, is commissioning an assignment to undertake capacity building trainings on the new Administrative Procedure Proclamation for judges, prosecutors, the police and prison commission staff. To this end, UNDP is recruiting a consultant to prepare a training module and conduct a training on the Federal Administrative Procedure Proclamation for judges, prosecutors, police, and prison police.

II. OBJECTIVES OF THE SERVICE

The general objective of this assignment is to build the capacity of the JSSC member institutions on the new Federal Administrative Procedure Proclamation. The following specific objectives are expected to be achieved through this assignment: -

- Familiarization of the salient features of Federal Administrative Procedure Proclamation;
- Increased understanding of roles and responsibilities of justice sector institutions in implementing the law;
- Adaptation of best practices in implementing the Administrative Procedure Proclamation.

III. SCOPE OF THE WORK

The scope of the consultancy work will cover the following: -

- Prepare an inception report consisting a work plan and detailed methodology to prepare the training module as well as for the delivery of the training.
- Develop the training module paying due regard to the comments and feedbacks forwarded on the inception report.
- Providing two rounds of training on the law for judges, public prosecutors, police, and prison police.



IV. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete for each consultant in days	Review and Approvals Required
i.	Inception Report (preparation, presentation to Focal Persons Committee, & incorporating comments)	6	Focal persons committee
ii	Training module (preparation, presentation to Focal Persons Committee, & incorporating comments)	20	
iii.	Conduct two rounds of training	4	

- Unless otherwise provided, all deliverables shall be produced in **Amharic**.

V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultant has dual reporting responsibility to the Chair of the JSSC and UNDP.

VI. DURATION OF THE WORK

The overall consultancy period for all activities is 30 working days.

VII. METHODOLOGY

- The consultant is expected to prepare the training module in such way that it is helpful to achieve the objective/s of the training.
- The issues to be raised in the training shall be practical as much as possible by, among other things, incorporating practical case studies.
- The training is expected to be delivered paying due regard for adult training methodology.

VIII. QUALIFICATIONS

Functional Competencies:



- In-depth understanding of administrative law and administrative procedure law in general and federal administrative procedure proclamation in particular.
- In-depth understanding of the Ethiopian legal and judicial system
- Sizable experience in conducting research and developing and work documents;
- 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;
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

Education

- Minimum Master's degree in law (preferably in administrative law, constitutional and public law)

Experience

- Ten years of increasingly responsible professional experience in the substantive area.
- Extensive relevant experience in research, training and policy-level analysis.

Language Requirements

The consultant shall demonstrate proficiency in **English and Amharic**.

Important Note:

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

IX. CRITERIA FOR SELECTING THE BEST OFFER

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

- Responsive/compliant/acceptable, and



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- 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%	

X. PAYMENT MILESTONES AND AUTHORITY

The prospective consultants will indicate the cost of services for each deliverable in US dollars' **all-inclusive lump-sum contract amount** when applying for this consultancy. The consultants 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:



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Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Installment	Upon submission, presentation and approval of the Inception Report		30%
2 nd Installment	Upon submission, presentation and approval of the Training modules	"	30%
3 rd Installment	After conducting two round trainings for two days each.	"	40 %

XI. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, prospective Consultant 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.

XII. 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.



These TORs are approved by:

Name: Shimels Assefa

Designation: UNDP, Democratic Governance and Peace Building Unit

Shimels Assefa

Signature: _____

27-Aug-2021

Date Signed:

Name: Cleophas Torori

Designation: UNDP, Deputy Resident Representative (Programme)

Cleophas Torori

Signature: _____

27-Aug-2021

Date Signed: