

Terms of reference



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GENERAL INFORMATION

Title: Consultant to Conduct Study on Economic Impact of Corruption (National Position)

Project Name : UNODC Sub-Programme 2

Reports to: Programme Associate (INDA03)

Duty Station: Jakarta, Indonesia

Expected Places of Travel (if applicable): N/A

Duration of Assignment: Jul - October 2016 (50 working days)

REQUIRED DOCUMENT FROM HIRING UNIT

	TERMS OF REFERENCE
4	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT , please select : (1) Junior Consultant (2) Support Consultant (3) Support Specialist (4) Senior Specialist (5) Expert/ Advisor CATEGORY OF INTERNATIONAL CONSULTANT , please select : (6) Junior Specialist (7) Specialist (8) Senior Specialist
	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	CV
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

- partial (explain)
 intermittent (explain) : **attendance for meeting if needed**
 full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: Yes xNo

Equipment (laptop etc): Yes xNo

Secretarial Services Yes xNo

If yes has been checked, indicate here who will be responsible for providing the support services: < Enter name >

Signature of the Budget Owner:..... *met*

I. BACKGROUND

Corruption is a phenomenon with many faces. It is characterised by a range of economic, political, administrative, social and cultural factors, both domestic and international in nature. Corruption is not an

innate form of behaviour, but rather a symptom of wider dynamics. It results from interactions, opportunities, strengths and weaknesses in socio-political systems. It opens up and closes down spaces for individuals, groups, organisations and institutions that populate civil society, the state, the public sector and the private sector. It is, above all, the result of dynamic relationships between multiple actors.

Given the above conditions, no country in the world, including Indonesia, is immune to corruption. Despite Indonesia's negative performance in the past, Indonesia is one of the few countries that shows a steady and demonstrated its strong commitment to eradicate corruption which is visible through the establishment of the Corruption Eradication Commission (KPK) and by issuing the National Action Plan on Corruption Eradication (RAN-PK) which outlines plan of actions by the Government of Indonesia in reducing and preventing acts of corruption in government institutions.

However, the fight against corruption taken on by the Government of Indonesia has been so far too focused on the perpetrators disregarding the social damage effects of corruption and compensation for victims of act of corruption. Although Indonesia has adopted international frameworks, such as Article 34 on Consequences of Acts of Corruption and Article 35 on Compensation for Damage of the United Nations Convention Against Corruption (UNCAC), the deterioration, negative consequences, harm or loss of social well-being, caused by acts of corruption remains underdeveloped and victims uncompensated.

In relation to the implementation of Article 35 of the UNCAC, the judiciary agency of the Government of Indonesia still faces challenges. In order to support the Government of Indonesia in overcoming these challenges, as well as aligning the national legal framework to accommodate provisions related to social damages and compensation for victims of corruption as stipulated in the UNCAC, the United Nations Office on Drugs and Crime (UNODC) Programme Office in Indonesia will hire the consultant to conduct a study on the economic and social impact of corruption. The study will be conducted based on empirical evidence and review of existing legal mechanisms used to determine the social and economic damages. Subsequently, this study is aimed to assist Indonesia's judiciary agency in implementing Article 35 of the UNCAC during corruption proceedings.

II. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Under the supervision of the Programme Assistant the consultant will be expected to carry out the following activities

- Develop a methodology to calculate corruption damage and compensation in relation to article 35 of UNCAC.
- Assess the corruption court in relation to chapters 98 – 100 of the Criminal Code to identify the challenges associated with the implementation of article 35.
- Analyse the economic and social costs of corruption in previous cases as well as the relationship between corruption damage and the severity of sentences.
- Develop guidelines to assist the judiciary with the implementation of article 35.
- Conduct consultation meetings with related resource persons.
- Submit a final study report.
- Conduct a dissemination workshop.
- Perform any other tasks deemed necessary to ensure the success of the project.

Deliverables/ Outputs

The consultant will be required to deliver the following outputs (in English):

- Inception report;
- 1st report analyzing the data from previous criminal cases in relation to corruption damage and severity of sentences.
- A Final draft report along with the methodology that will be used to calculate the damage/compensation in corruption cases along with international best practices.

- Final report on the economic impact of corruption along with the guidelines for the judiciary to implement article 35 of the Convention.

Under the day-to-day reporting to the Programme Associate the Consultant is expected to produce the following outputs:

Deliverables/ Outputs	Estimate number of Working days	Target Due Dates	Percentage (%)
Submission of a 10 page inception report.	10 working days	Month one	25%
Submission of a 1st report analyzing the data from previous criminal cases in relation to corruption damage and severity of sentences.	10 working days	Month two	25%
Submission of a Final draft report along with the methodology that will be used to calculate the damage/compensation in corruption cases along with international best practices	15 working days	Month three	25%
Submission of a final report on the economic impact of corruption along with the guideline for judiciary to implement article 35 of the Convention.	15 working days	Month four	25%

III. WORKING ARRANGEMENT

Institutional Arrangement

The consultant will be under supervision of the Programme Associate

Duration of the Work

50 working days in 4 months period. The working period will be on July to October 2016

Duty Station

Home Based.

Travel Plan

No travel plan

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

SHORTLISTING CRITERIA

I. Academic Qualifications:

Bachelor or Master degree in law or other related field.

II. Years of experience:

- At least 10 years of experience in law/legal field.
- Experience conducting research on anti-corruption.

III. Competencies:

- Strong knowledge on national and global anti-corruption policies and regulations.
- Knowledge on conducting legal assessments and legal reviews.
- Excellent report writing and presentation skills (kindly provide a sample of reports).
- Proficient in English language, spoken and written.

V. EVALUATION METHOD AND CRITERIA

Cumulative analysis

When using this weighted scoring method, 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%*

Criteria	Weight	Max. Point
<u>Technical</u>		100
Criteria A: Qualification requirements as per TOR:	40%	40
1. Bachelor or Master Degree in law or other related field	10	10
2. At least 10 years of experience in law/legal field.	20	20
3. Experience conducting research on anti-corruption.	10	10
Criteria B: Brief Description of Approach to Assignment.	60%	60
1. Strong knowledge of national and global anti-corruption policies and regulations	20	20
2. Knowledge of conducting legal assessments and legal reviews	20	20
3. Excellent report writing and presentation skills	20	20

Only candidates obtaining a minimum of 70 points would be considered for the Financial Evaluation