

## *Terms of reference*

*Terms of reference for the recruitment of a national long term expert*

*EU 4 Justice Phase II - Bosnia and Herzegovina*

*January 2025*

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## 1 GENERAL INFORMATION

<i>Title of assignment</i>	<i>Long term national expert</i>
<i>Beneficiary / beneficiaries</i>	<i>High Judicial and Prosecutorial Council, Judges and Prosecutors, court staff, Judicial and Prosecutorial training centers, Law enforcement agencies, Ministry of Justice ...</i>
<i>Country</i>	<i>Bosnia and Herzegovina</i>
<i>Working location</i>	<i>Sarajevo + occasional missions out of Sarajevo</i>
<i>Working language</i>	<i>English and Bosnian</i>
<i>Duration of the contract</i>	<i>10 months (until the end of the implementation of the project, with a possibility of extension in the event the project gets extended).</i>
<i>Type of contract</i>	<i>Wage portage (local work contract)</i>
<i>Salary</i>	<i>Depending on candidate's competences and experience</i>

## 2 BACKGROUND

### 2.1 General context

As applicant for EU membership, Bosnia and Herzegovina ('BiH') is expected to meet EU justice standards as provided for by several of the 14 key priorities for membership and recalled by the EU Commission in its 2018 Western Balkan Strategy.

BiH's complex and fragmented institutional structure has led the country to a difficult situation, in particular regarding rule of law. No recent progress was made in this field and "lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizen's enjoyment of rights and the fight against corruption and organised crime".

The cross-cutting objective of this action is to share practical methods with the High Judicial and Prosecutorial Council (the 'HJPC') and other Justice Institutions of BiH in order to increase its capacities to implement its mission to ensure independence and professionalism of the judiciary, promote judicial reform, and enhance the country's response to organised crime and corruption.

This Action aims at supporting the Justice Sector Institutions in carrying out these changes in order to align the functioning of the BiH judiciary with EU rule of law standards by enhancing professionalism, efficiency and transparency of the BiH justice system for the final benefit of BiH citizens.

### 2.2 Project overview

- » *Project title:* EU 4 Justice – Phase II
- » *Implementation dates:* 1/12/2022-30/11/2025

- » *Location / intervention areas:* Bosnia and Herzegovina – justice sector
- » *Partners involved:* Consortium composed of Expertise France (lead), IRZ and FIIAPP.
- » *Target groups:*
  - All Ministries of Justice ('MoJs') in BiH, and Brčko District Judicial Commission;
  - The Parliaments;
  - The HJPC, the Integrity Unit within the HJPC Secretariat, and the ODC;
  - All courts and prosecutors' offices in BiH;
  - The judicial and prosecutorial training centres in entities ('JPTCs');
  - The reform-oriented professional associations for judges and prosecutors in BiH;
  - The public law faculties and high schools in BiH;
  - The Agency for Prevention of Corruption and Coordination of the Fight against Corruption ('APIK') and all other Anti-Corruption bodies in BiH as relevant for the action implementation;
  - The Law Enforcement Agencies ('LEAs') in BiH as relevant for the action implementation;
  - The Asset Management Agencies at entities as relevant for the action implementation.
- » *Project budget:* 4.5M€
- » *Project objectives:*

**The general objective** of the Action (impact) is to further align the Justice system of Bosnia and Herzegovina ('BiH') with European standards and the EU Acquis through strengthening the rule of law, notably by enhancing the independence, quality, effectiveness, accountability, and efficiency in the justice sector and its results in the fight against corruption.

**The specific objectives** (outcomes) of the action are:

1. The HJPC effectively monitors the justice sector;
2. Judicial office holders are better trained, controlled and advised on integrity;
3. Efficiency, transparency and security of the judiciary are improved;
4. Organised crime and corruption cases are processed more effectively by the judiciary.

- » *Expected results and indicators*
  - *HJPC's methodologies and skills in monitoring and evaluation are enhanced (policies, instructions, performance)*
  - *HJPC's tools to coordinate donor investment in BiH justice reforms are enhanced*
  - *The HJPC's organisation and skills to implement an asset verification system and a counselling mechanism are enhanced*
  - *Integrity related training schemes are enhanced*
  - *The HJPC's tools and skills for career management of JOHs are improved*
  - *The HJPC's tools to render the sanction system more efficient and transparent are enhanced*
  - *The HJPC's tools and skills to enhance efficiency of the judiciary are improved*
  - *The HJPC's tools to improve security in the judiciary are enhanced*
  - *The HJPC is supported in drafting legislative proposals*
  - *Judges' tools and skills to ensure procedural discipline in trials are enhanced*

- *Prosecutors' tools and skills to investigate organised crime and corruption are enhanced*
- *Prosecutors' and police officers' common tools and skills to jointly investigate organised crime and corruption are enhanced*
- *Independence and accountability of JOHs processing high level organised crime and corruption is enhanced*

» *Key activities to be implemented*

<p>COMPONENT 1 – STRENGTHEN THE MONITORING AND EVALUATION CAPACITIES OF THE HJPC</p> <p>A1.1 Strengthen the HJPC's capacities to monitor the implementation reform programmes</p> <p>SA1.1.1 Strengthen the capacities to implement and report the HJPC Reform Agenda</p> <p>SA1.1.2 Support in preparing the monitoring of the yet to be adopted Justice Sector Reform Strategy 2021-2027</p> <p>SA1.1.3 Establishing a mapping of strategic documents and donor projects</p> <p>A1.2 Strengthen the HJPC's capacities to monitor the implementation of policies by institutions and JOHs</p> <p>SA1.2.1 Support in monitoring adherence to Codes of Ethics and implementation of Guidelines on Conflict of Interest</p> <p>SA1.2.2 Support in the implementation of HJPC instructions by courts</p> <p>SA1.2.3 Support the monitoring and review of penal policies in areas of corruption, financial and organised crime</p> <p>A1.3 Strengthen the HJPC's capacities in monitoring the performance of courts and the judiciary</p>
<p>COMPONENT 2 – STRENGTHEN THE INTEGRITY CAPACITIES OF THE HJPC</p> <p>A.2.1 Support in preparing the establishment of a system of verification of assets</p> <p>A.2.2 Support in introducing a confidential counselling mechanism on ethics and integrity</p> <p>A.2.3 Support in improving integrity-related training schemes</p>
<p>COMPONENT 3 – STRENGTHEN THE HJPC AND ITS BODIES' CAPACITIES IN AREAS RELEVANT FOR THE EXECUTION OF ITS CORE COMPETENCES</p> <p>A.3.1 Support the HJPC in career management of JOHs</p> <p>SA3.1.1 Support to improve the quality of candidates accessing to the judicial and prosecutorial professions</p> <p>SA.3.1.2 Support to improve and effectively implement internal rules on appointment procedures and performance appraisal</p> <p>A.3.2 Support the HJPC in improving disciplinary liability of the judiciary</p> <p>SA3.2.1 Support in strengthening disciplinary procedures</p> <p>SA2.2.2 Strengthen knowledge and appropriation by JOHs of case law on ethics, and restore public trust in the justice system</p> <p>A.3.3 Support the HJPC in enhancing the efficiency of the judiciary</p> <p>SA.3.3.1 Support in carrying out an analysis of courts resource needs</p> <p>SA.3.3.2 Support in identifying sources of inefficiency in the judiciary and addressing them</p> <p>SA 3.3.3 Support in improving the implementation of the random case allocation systems</p> <p>A.3.4 Support the HJPC in developing a security strategy of the judiciary</p> <p>A.3.5 Provide legal opinions on draft legislative proposals</p>
<p>COMPONENT 4 – SUPPORT THE COORDINATION AND COOPERATION WITHIN THE CRIMINAL JUSTICE CHAIN IN TACKLING ORGANISED CRIME AND CORRUPTION</p> <p>A.4.1 Expert advice on management of trial proceedings</p> <p>A.4.2 Expert advice in reviewing efficiency and work on the processing of organised crime and corruption cases</p> <p>A.4.3 Expert advice on reinforcing independence and accountability of JOHs in processing high level organised crime and corruption and reinforcing transparency on the process</p>

A.4.4 Assistance in fostering cooperation between prosecutors' offices and law enforcement agencies
A.4.5 Ad hoc advising the General Prosecution Office on handling of complex organised and corruption crime cases

### 3 ASSIGNMENT DESCRIPTION

#### 3.1 Main tasks

*Under the direct supervision of the Team Leader, the Long Term National Expert will conduct the following main tasks:*

- » *Liaison with beneficiaries and local stakeholders:*
  - » *Ensure a continuous flow of information with project beneficiaries;*
  - » *Contribute in creating synergies with partners and other projects in the justice sector, ensure that there is no overlapping in activities;*
  - » *Assess beneficiaries needs and their translation into project activities, update/draft project documents accordingly;*
  - » *Monitor of the local political, institutional and legal framework and report to the Team leader regarding any development (regulatory change, turnover or interlocutors, ...);*
  - » *Coordinate with beneficiaries and stakeholders for the organization of activities;*
- » *Legal expertise:*
  - » *Research, analysis and drafting of recommendations upon project needs;*
  - » *Assess and analyse the legislative and regulatory frameworks, upon request of the Team leader, or the International Long Term Experts on Justice Reform and Prosecution, in particular on the following themes: BiH judicial system, ethics, integrity and conflicts of interests, judicial office holder career management (selection, training, promotion, transfer), judicial office holder disciplinary system.*
  - » *Contribute in project activities: quality control of deliverables, participating in project activities such as trainings, roundtables etc., ensuring that the work plan is properly implemented.*
- » *Project coordination:*
  - » *Contribute to developing a transversal vision of the project activities and work plan in order to create synergies and avoid overlaps.*
  - » *Support national and international experts in their missions (provide any relevant information/report or documentation on the national framework, organize the agenda of meetings with national stakeholders);*
  - » *Support the project in mobilizing regional and national expertise;*
  - » *Contribute to drafting and updating project documents such as work plan, activity matrix and calendar, project dashboards, and drafting/revising project narrative reports;*
  - » *Support the coordination of the implementation of activities in line with the work plan; Organise activities; Draft terms of reference for the mobilization of expertise;*
  - » *Contribute to the implementation of the monitoring and evaluation (M&E) plan: monitor activities, update M&E tools and extract M&E reports;*
  - » *Support the organization of the Project's steering committees: preparation of relevant documentation, moderate meetings, make presentations;*

*In addition to these main tasks, the Long Term National Expert can be called to perform any other tasks related to the Project's implementation.*

*All reports must be submitted in English.*

## **4 STRUCTURE OF WORK**

### **4.1 Coordination arrangements**

*The Long Term National expert will work under the direct supervision of the Team Leader for the entire assignment. He/she may be called to carry out several missions out of Sarajevo for the purpose of this assignment.*

### **4.2 Working conditions and assignment location and length**

*The assignment will take place in Sarajevo and, occasionally in other locations of BiH. The expert may also be called to participate in study visits in other countries.*

*Provisional start date for assignment: February 10<sup>th</sup> 2025.*

*Provisional end date for assignment: November 30<sup>th</sup> 2025.*

*During missions out of Sarajevo, the project will cover the following expenses:*

- *Accommodation, food expenses and local transportation will be covered by a EU rate per diem (amount depending on the country).*
- *Transportation to and from the place of residence of the expert to the place of the mission.*

## **5 PROFILE AND BUDGET**

### **5.1 Profile(s)**

#### **5.1.1 Expected profile**

##### **Qualifications and experience:**

- *Master degree or equivalent;*
- *At least 5-year experience in the justice sector of BiH;*
- *Extended knowledge of the functioning of the HJPC;*
- *Experience in international projects would be an asset.*

##### **Professional skills:**

- *Excellent knowledge of legal documents in Judicial matters in particular HJPC organisation;*
- *Excellent knowledge of English and Bosnian languages;*
- *Excellent oral and writing skills;*
- *Good knowledge of computer and communications tools (word, excel, powerpoint, etc.);*
- *Excellent coordination and teamwork skills – in particular in a multicultural context;*

- *Very good communications skills organisational and interpersonal skills, excellent listening skills;*

## 6 APPLICATIONS

*Deadline for applications is Wednesday, January 31<sup>st</sup> 14:00 CET, 13:00 CET.*

*Applications should be submitted on Expertise France's portal and should include:*

- » *Curriculum Vitae*
- » *Motivation letter*