



## **SCOPE OF WORK**

### **International Expert/Speaker in Judicial Independence and Disciplinary Responsibility**

#### **BACKGROUND:**

Development Professionals, Inc. (DPI) is implementing the USAID/Armenia Justice Sector Support Project, (hereinafter referred to as JSSP or the Project), which supports the Government of Armenia in establishing a fair and equitable justice system and increasing public confidence in the rule of law. JSSP supports targeted justice sector institutions through: (1) establishing effective and efficient court administration and case management systems; (2) supporting self-regulatory institutional capacity development; (3) improving legal and professional education; and (4) facilitating oversight of the implementation of justice sector reform through collaborative action.

Within the framework of cooperation between JSSP and the Constitutional Court of the Republic of Armenia (hereinafter referred to as the Court), the Project intends to provide expert and technical support to the Court, including capacity building and professional workshop activities for the Court's justices and key personnel. Based on the training needs areas suggested by the Court, JSSP will host a two-day workshop activity engaging both justices and the key personnel of the Court (including the Chief of Staff, staff of the President, the heads of legal departments and legal units, justices' assistants, and legal advisors from the legal department). The participation of an international consultant(s) and/or recognized field expert/guest speaker(s) will be required.

The workshop will be centered on the following theme: *“Judicial Independence, Disciplinary Responsibility and Judicial Review”*. The main thematic directions as well as the specific sub-topics of the workshop are defined in the enclosed Annex. The workshop designed for the Court will address the relevant subjects through presentation and discussion of the topics articulated in the Annex related to the judiciary in general, and the Constitutional Court in particular.

#### **EXPERT ROLE:**

The Project will field one or more International Experts (per this Scope of Work and the enclosed Annex), who should have considerable experience in conducting workshops with and/or advising High Courts and/or Constitutional Courts on the subject matter of the workshop. When submitting an application, candidates should indicate/list the topics and sub-topics that s/he is willing to address during the workshop. Depending on the outcome of the application process, the workshop will be conducted by one or two International Experts. They will closely work with JSSP staff to prepare the content of the expected two-day workshop and deliver the pre-defined thematic sessions during it. The International Expert(s) is also expected to work with the Project in preparation of handout materials.

#### **TASKS**

The International Expert(s) shall perform the following tasks:

- Develop workshop documents and presentations on the pre-defined topics of the workshop (Note: To facilitate an understanding of the Armenian context, the International Expert(s) will be provided relevant background documents outlining the legal framework governing matters related to judicial independence, disciplinary responsibility, as well as judicial review in Armenia. The document will also contain relevant official statistics and established practices in relevant areas.
- Deliver presentation(s) on the predefined topics of the workshop during the two-day event to be held in Armenia, and address the questions of the participants. The International Expert(s) shall also facilitate open discussions and group activities to encourage peer-to-peer learning and knowledge sharing.
- Provide materials to be included in the workshop handouts that are relevant to the presentation.
- Work closely with the Monitoring and Learning Specialist of the Project to suggest evaluation mechanisms to assess the effectiveness of the workshop.
- Ensure that the workshop complies with international legal and ethical standards, including confidentiality and privacy.

- Suggest relevant avenues for and/or facilitate connections, if possible, between the Armenian Constitutional Court and international networks, organizations, and experts working in the field of judicial independence and judicial responsibility.

### ***DELIVERABLES***

The International Expert(s) is expected to produce following deliverables:

1. Power Point Presentations (in English) and other written materials necessary for the public presentation and delivery of the Workshop sessions during the two-day activity.
2. Deliver predefined thematic sessions during the Workshop activity.
3. Comprehensive final activity and evaluation report based on the collected information and conclusions, summarizing the Workshop outcomes, feedback, and recommendations for future Workshop initiatives.

### **LEVEL OF EFFORT**

The estimated Level of Effort for all activities is 15 working days. The Expert is required to make all necessary organizational and administrative arrangements for his/her work plan in a way that allows for the achievement of all deliverables within the set time frame.

### **SUPERVISION**

The Expert(s) will report to the Chief of Party and Deputy Chief of Party, and work in strong collaboration with designated personnel of the Project, namely the Court Administration Advisor (Objective 1 Lead). The latter will coordinate and oversee the implementation of all day-to-day assignments; arrange and participate in all related work meetings and discussions; and review and provide initial comments on all drafts of the International Expert's deliverables. The confirmation of the acceptability of deliverables shall be undertaken by the Chief of Party and/or the Deputy Chief of Party, and DPI Headquarters.

### **LOCATION AND PERIOD OF ASSIGNMENT**

The estimated period of assignment is from December 1, 2023 to December 31, 2023. All work will be performed in Armenia and/or remotely. The International Expert shall conduct a trip to Armenia, the date and duration of which is estimated as December 11-18, 2023.

### **QUALIFICATIONS**

- An advanced university degree (Master's degree or equivalent) in law is required; a Ph.D is an advantage.
- Ten (10) years of work experience in the fields of judicial integrity, judicial independence, judicial disciplinary responsibility, or other closely related areas is required. Work experience with High Courts and/or Constitutional Courts is an advantage.
- Excellent knowledge of European and international standards related to judicial independence, judicial integrity, and judicial disciplinary responsibility is required.
- Excellent knowledge of the legal and practical frameworks on judicial independence, judicial discipline, and judicial oversight of at least three European countries in the areas of the subject matter of the workshop is required.
- Experience working in Central and Eastern Europe and/or the Caucasus is highly preferred.
- Previous experience developing and delivering workshops on behalf of programs funded by USAID, EU, Council of Europe, the United Nations, or other international donors or organizations is highly preferred.
- Excellent verbal and written communication skills are required.
- Fluency in English is required.

## Annex 1

### **I. International legal standards on de jure (procedures of appointing/selection judges, tenure, promotion, immutability, immunity, procedures for subjecting judges to disciplinary responsibility) and de facto independence of courts**

#### *De Jure Independence:*

1. Procedures of Appointing (Selection) Judges:
  - a. Transparent Nomination Process:
  - b. Independence from Political Influence:
2. Tenure:
  - a. Security of Tenure:
  - b. Fixed Terms vs. Life Tenure:
3. Promotion:
  - a. Merit-Based Advancement:
  - b. Avoidance of Political Interference:
  - c. Guidelines to prevent political influence in the promotion process:
4. Immutability:
  - a. Protection from External Influences: Measures to shield judges from external pressures, including political, economic, or social influences:
  - b. Resilience to Undue Influence: Ensuring judges are not easily swayed by external factors that may compromise their independence:
5. Immunity:
  - a. Judicial Immunity:
  - b. Balancing Accountability:
6. Procedures for Subjecting Judges to Disciplinary Responsibility:
  - a. Independent Disciplinary Bodies: The establishment of independent bodies to handle disciplinary matters, separate from executive or legislative branches:
  - b. Fair and Transparent Disciplinary Processes:

#### *De Facto Independence:*

1. De Facto Independence of the Court:
  - a. Financial Independence:
  - b. Security of the Judiciary: Measures to protect judges from physical or external threats that could undermine their independence:
2. Freedom from External Influences:
  - a. Media and Public Opinion: Guidelines to protect judges from undue influence through media or public opinion:

b. Political Pressures: Measures to insulate judges from political pressures that may affect their decision-making:

3. Freedom from Internal Influences: Existence of mechanisms for the courts internal independence (International best practice):

**II. Compliance of the grounds for the initiation of proceedings to subject judges to disciplinary responsibility for violations recorded by international legal bodies (in the decisions) with international legal standards in respect to the judiciary`s independence**

1. The problems of the initiation of proceedings to subject judges to disciplinary responsibility for violations recorded by the international legal bodies (General remarks):

2. The legitimacy of the question of bringing a judge to disciplinary responsibility under conditions of registration of human rights violations by international legal bodies, not on the basis of their own activity, but on the basis of recognition of the fact of violation attributed by the executive power of the country (its representative), in light of ensuring the principle of separation of powers and the judiciary`s independence:

**III. The involvement of the executive branch in the process of subjecting judges to disciplinary responsibility, in the context of the separations of power (international best practice).**

1. Separation of Powers Principles:

a. Foundational Concepts:

b. Checks and Balances:

2. Judicial Independence:

a. Importance of Judicial Independence:

b. International Standards on Judicial Independence:

3. Executive Branch Involvement:

a. Initiation of Disciplinary Proceedings:

b. Extent of Involvement:

4. International Comparisons:

a. Study of Best Practices: Reviewing how other countries handle the executive's role in disciplinary matters concerning judges:

b. Comparative Analysis: Conducting a comparative analysis of various international models to identify best practices:

5. Role of Independent Bodies:

6. Due Process Safeguards:

a. Fairness and Impartiality:

b. Legal Representation:

7. Public Perception and Accountability:

a. Maintaining Public Trust:

b. Accountability Measures:

## 8. Legislative Oversight:

a. Analyzing the legislative branch's role in overseeing and, if necessary, restraining the executive's involvement in judicial disciplinary matters:

b. The relationship between legislative inaction to reduce judicial overload, failure of judges to hear a case within a reasonable time, and the right of individuals to a hearing within a reasonable period of time:

c. Objective failure of courts to hear cases within a reasonable time, and admissibility for disciplinary liability on the grounds of violation of a person's right to a hearing within a reasonable time, in light of the independence of the judiciary:

## 9. Impact on Judicial Independence:

a. Potential Threats:

b. Mitigation Strategies: