



Terms of Reference (TOR) for a Short term assignment

Technical assistance requested: Senior Expert for Methodology of Decision Making and Judgement
Summaries based on ECHR Case Law

The project

Title:	Support to the Judicial Academy, Serbia
Ref:	EuropeAid/135635/IH/SER/RS
Main beneficiary:	Judicial Academy of the Republic of Serbia
Financing institution:	European Union
Budget Line / Expert Category:	Non Key Short-Term Senior Expert
Team Leader:	Juan Carlos da Silva

Project background and description (scope of the work):

The Republic of Serbia was granted a candidate status for EU membership and the accession negotiation process officially commenced in June 2013. As part of the Serbian EU integration process, Serbia is faced with a task to ensure full implementation of key reforms, with particular focus on judicial reforms and protection of fundamental rights and freedoms covered by the negotiating Chapter 23. Full compliance of national legislation with the EU acquis is essential for successful integration. In order to harmonize national legislation with the EU acquis, it is necessary to thoroughly perform comprehensive analysis of legislation compatibility, assessing levels of conformity and providing possible measures designed to overcome identified differences between the two legal systems. With an aim of achieving full and proper legislative harmonization with the EU acquis, national legislation alignment shall be approached in phases and in accordance with recommendations from the Screening Report on Ch. 23 and the priorities set forth by the NPAA 2014 - 2018. The next phase of legislation alignment specifically targets protection of fundamental rights.

The project should achieve three results:

Result 1: Ensured easier access to the case law of the European Court for Human Rights for the relevant target groups, aimed at the improvement and unification of the case law among Serbian courts as well as its harmonization with the EU standards.

Result 2: Educational activities of the JA enhanced in order to improve efficiency and effectiveness of trainings.

Result 3: Functioning of the new structures within new competences of the Judicial Academy (JA) improved.

The scope of this assignment is to assist the Project in its objective to enhance educational activities and functioning of new structures within new competences of the Judicial Academy and establishment of the consistent judicial system of the Republic of Serbia. Further improvement of the independence and efficiency of the judiciary through adequate measures regarding accountability, impartiality and competence of justice actors in order to achieve and strengthen the rule of law, legal certainty, better access to justice as well as improvement of the protection of human rights and protection of minority. The sustainability of results, including ensuring the necessary capacities for implementation and follow-up, will be specifically in focus.



Description of the assignment

Title: Senior Expert for Methodology of Decision Making and Judgement Summaries based on ECHR Case Law

Brief description of the assignment:

In accordance with the project 2nd Interim Report, and its Work plan – 1.4 Based on the ECtHR case law prepare a set of recommendations for improving the methodology of decision making and preparing judgment summaries, **purpose of this activity is to for asses current legislation and practice dealing with methodology of judgement writing and preparing of judgement summaries and provide recommendations for improvement in close cooperation with beneficiary and stakeholders.**

It is expected that expert will first do the Analysis of current legislation and practice dealing with methodology of judgement writing and preparing of judgement summaries with brief recommendations for improvements. Results of the analysis and recommendations will be presented for the improvement to SCC, CoC, MoJ, appellate courts, etc. In cooperation with relevant stakeholders and inputs from consultations expert will further develop Methodology for judgement drafting and judgements summarise (templates and forms that will facilitate application of the ECHR case law in judgements and decision of national courts) and test proposed methodology and templates with stakeholders. After testing phase final version will be drafted and agreed with stakeholders and beneficiary.

At present, there is no on-going and/or planned assistance project in the area covered by this ToR.

Number of required experts:	Non-Key Short Term Senior Expert for Methodology of Decision Making and Judgement Summaries based on ECHR Case Law
Duration of the assignment:	Up to a total of 20 working days
Period of the assignment:	May 2017 – September 2017
Place of assignment:	Belgrade, Serbia
Working language:	Serbian, English

Expert Activities:

- Analyse current legislation and practice dealing with methodology of judgement writing and preparing of judgement summaries;
- Draft recommendations based on the Analyses;
- Present the results of the analysis and recommendations for the improvement to SCC, CoC, MoJ, appellate courts, etc.;
- Develop methodology for judgement drafting and judgements summarise (templates and forms that will facilitate application of the ECHR case law in judgements and decision of national courts).

Related outputs:

- Analyses of current legislation and practice dealing with methodology of judgement writing and preparing of judgement summaries with recommendation for improvements;
- Presentation materials for consultative process;



- Methodology for judgement drafting and judgements summarise (templates and forms that will facilitate application of the ECHR case law in judgements and decision of national courts).

Expert Profile

Qualifications and skills

- University degree (where a university degree has been awarded on completion of three years study in a university or equivalent institution) in Law or other relevant social science;
- Excellent knowledge of English language (min 2 on a scale of 1 to 5; where 1 - excellent and 5 - basic);
- Excellent networking and workgroup facilitation skills;
- Excellent analytical skills;
- Good command of Microsoft Office™ tools;
- Good planning and work organization skills;
- Good communication and reporting skills.

General professional experience:

- Proven minimum **10 years** of work experience as a judge or prosecutor in EU countries

Specific professional experience:

- Proven minimum 5 years of specific experience working with similar assignments;
- Previous experience with ECHR and European Court jurisprudence;
- Proven experience with methodology development.

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to info@jap.rs not later than 15:00 hrs, 5th of May 2017, titled:

Application for the position:

Senior Expert for Methodology of Decision Making and Judgement Summaries based on ECHR Case Law

References must be available on request. Only candidates with a correct CV will receive a confirmation on receipt of their application. Only short-listed candidates will be contacted.

The Project is an equal opportunity employer that encourages applications from women and minorities.

All applications will be considered strictly confidential.

Advertised post is not available to civil servants or other officials of the public administration in the beneficiary country, Serbia.