



TERMS OF REFERENCE (TOR) FOR 3 SENIOR LEGAL DRAFTERS

Background:

Under direct supervision of the Minister, Deputy Minister, Permanent Secretary, Director General of the Ministry of Justice, and the Head of the Policy and Legal Drafting Unit (PLDU), the three senior legal drafters assist the Ministry of Justice (MOJ) in general and PLDU in particular as well as other justice institutions and the executive branch to facilitate, coordinate, draft, amend, review and monitor the development of legislative policy and/or draft legislations and policies for the justice sector and other relevant ministries.

All three Senior Legal Drafters will have combined responsibility from below tasks and will have assigned Junior Legal Drafters and Interns to manage their workload, ensure high quality and timely delivery. They will be in charge of assigned staff and develop annual work plan, quarterly reviews, and monthly reporting are done and accurately reflect on agreed annual work plans.

General Expected Outcomes from the Work of the 3 Senior Legal Drafters

The Three Senior Legal drafters will be responsible to achieve the below specified tasks and any other activities as may be entrusted by the Ministry of Justice as follows;

- Identify and disseminate strategic perspectives on emerging justice and legal issues as well as identifying and analyzing legal and justice issues as prioritized in government national plans.
- Strengthen the Ministry's planning capacities as well as ability to develop and present policies.
- Conduct research on legal issues and recommend adequate strategies to reach development in all areas concerned.
- Draft, Review, Amend, Comment and put notes on MOJ's mandated legislations including the MOJ's own legislations and other legislation from the other national institutions of the Federal Government of Somalia and ensure that the legislations comply with the Provisional Federal Constitution, international human rights standards as well as the drafting code and manual for uniformity and Nomo-technics by starting current prioritized "20" Laws and Policies from the Council of Ministers of the Federal Government of Somalia.
- Consider the need for legislation may arise from various sources and circumstances including line ministries, Parliament, demand from social groups, court decisions and international development.
- Give especial consideration on the review and finalization of the Somali Penal Code process.
- Lead Justice and Corrections Models and coordinate all activities with stakeholders at federal, member state, UN partners and donors or any other stakeholders.
- Assign workload to Junior Legal Drafters and Interns drafting or working on laws and policies and oversee their work to ensure quality outcome in agreed time.
- Provide support in the presentation of the drafted laws and policies to the Council of Ministers, committees of the Federal parliament and other stakeholders in answering questions raised by them and other institutions or agencies.

- Provide legal drafting training and guidance to the staff members of MOJ involved in law making process of the country.
- Plan, organize and implement capacity building and development activities by transferring skills to the local colleagues within the Ministry Especially Junior Legal Drafters and Interns through training sessions, workshops, joint completion of the tasks, peer review, mentoring and other capacity-development schemes; the focus of these capacity development programmes mostly will be on legal and legislative drafting skills.
- Assist the PLDU staff with overseeing the drafting of government legislation priorities.
- Provide legal drafting training and guidance to other entities involved in law making process of the country especially member states MOJ's and line ministries in FGS.
- Measure the results of the transfer of skills activities by organizing post-training evaluation tests for the staff of the institution.
- Perform other duties as required and entrusted by the Ministry of Justice.

Division of Responsibilities Among the 3 Senior Legal Drafters

Position	Priorities/Deliverables
1 st Legal Drafter (Team Leader/Unit Head)	<ul style="list-style-type: none"> ▪ Justice and Corrections Model <ul style="list-style-type: none"> ☑ Lead and coordinate national discussions on justice and corrections model for Somalia. ☑ Engage the federal member states and the Ministry of Constitutional Affairs with regards to the reaching a political agreement. ☑ Lead meetings at FMS on justice and corrections model ☑ Produce a paper on hierarchy of laws ☑ Produce a paper on jurisdictions of federal and state level judiciaries. ☑ Produce the list of laws which require drafting and amending to implement the agreed justice model. ▪ Draft Serious Crimes policy and coordinate with stakeholders in developing strategic plan and oversee execution as cases are transferred from military to civilian courts.
2nd Senior Legal Drafter	<ul style="list-style-type: none"> ▪ Responsible for judiciary related laws, policies, and strategies: <ol style="list-style-type: none"> 1. Review and Finalization of the Penal Code 2. Judicial Service Commission 3. Constitutional Court Establishment 4. Anti-Corruption 5. AGO establishment Act 6. Judicial Training Institute Law 7. Solicitor General Act 8. Counter-Terrorism Act
3rd Senior Legal Drafter	<ul style="list-style-type: none"> ▪ Responsible laws, policies and strategies related to Access to Justice including legal aid, TDR, and legal awareness. ▪ Support and advice Ministry of Justice units, including Gender, Child Protection, Legal Aid & Awareness, and Traditional Dispute Resolution. ▪ Produce the following Laws, Policies and Strategies

	<ol style="list-style-type: none"> 1. Legal Aid Model for Somalia 2. Legal Aid Act 3. Bar Association/Lawyers Act 4. Legal Awareness Strategy 5. TDR Policy Guidance Note 6. Sexual and Gender Based Violence Act <ul style="list-style-type: none"> ▪ Organize Monthly Legal Aid Coordination Meetings ▪ Organize a consultation workshop to review national legal awareness strategy and reach an agreement on priority topics and audiences for nationwide legal awareness campaign ▪ Assist in the work of MOJ Public Complaints Coordination Office ▪ Complete database of registered legal professionals.
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Requirements

Besides the specific outputs mentioned the following steps/actions are required to be undertaken throughout the assignment. These are standard requirements for all assignments undertaken through this project:

1. Transfer of skills: One of the main responsibilities of Senior Legal Drafter(s), and one which he/she will be measured against, will be to ensure continuous and systematic transfer of knowledge and skills as related to the assignment.
2. Work plan: A work plan will have to be developed with the Supervisor during the first week of assignment, which will provide clear and time bound activities to successfully implement the outputs of the assignment. This work plan will be shared with the UN Implementing Partner(s). This work plan can be revised during the mid-term review to reflect new developments or changes in strategy.
3. Mid-Term Review: There will be a mid-term review of the assignment between the incumbent and the beneficiary institution to discuss progress of the assignment and feedback on performance.
4. Interim and Final Reports: A progress report will be submitted by the incumbent to the Supervisor and to the funding UN partner. Thereafter, a final report will be provided at the end of assignment.

Qualifications

Level of Education:	Master's degree/PhD
Area of Study:	Masters Degree in Law, Public Administration or a related field.
Years of work experience in what area(s):	<ul style="list-style-type: none"> ➤ At least 4 - 6 years of relevant experience in legal drafting and governance; ➤ Demonstrated experience in policy analysis, policy development, strategic planning and/or high level public sector management; ➤ Experience in drafting reports, briefings and training materials; ➤ Sound demonstrated understanding of gender issues and principles.
Languages needed:	<ul style="list-style-type: none"> ➤ Fluency in English and the Somali language is essential. Other UN languages are an

<p>General Skills / Other Requirements:</p>	<p>asset.</p> <ul style="list-style-type: none"> ➤ Strong communication and drafting skills; ➤ Experience in researching and analyzing security, political and social issues in Somalia is an asset; ➤ Ability to work under tight schedules, stressful environment and multi-cultural context; ➤ Ability to monitor and to undertake research in Somalia, in collaboration with other institutions, is required; ➤ Highly motivated with a positive attitude and pro-active problem-solving approach; ➤ Proficiency in the use of computer with common software and internet; good knowledge of Microsoft Office Applications; ➤ Willingness and ability to work closely with governments, international institutions/agencies and communities; ➤ Knowledge of procedures, reporting requirements and ethical practices of the Ministry and IOM; ➤ Demonstrated drive for continuous improvement and incorporation of lessons learned and best practices into business process routines; ➤ Demonstration of professional behavior and personal ethics, transparency and openness to encourage respect and similar behavior from colleagues in the workplace; ➤ Experience of working successfully with a variety of stakeholders, particularly governments, think-tanks, media and non-governmental organizations; ➤ Willingness to travel and work in Somalia.
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APPLICATION PROCEDURE:

Qualified Somali persons with the required skills and qualifications are invited to submit their detailed Curriculum Vita (CVs), cover letter and academic qualification with 3 reference persons through email; info@moj.gov.so before 11 June 2017. Applications sent after the deadline will not be considered. For more information you can see through www.moj.gov.so

Note: Please make sure that the job title you are applying in the mail subject line is clearly indicated. Only short-listed candidates will be contacted. These four positions are equal opportunity for all.