

**ToR n° 134**  
**Activity RG10**

**Terms of Reference for Speaker 3 at the Regional Seminar on Constitutional Law  
(Helsinki, Finland, September 17, 2014)**

**Background and Justification**

The «Rule of Law Platform – Central Asia» (hereafter the «Platform») aims at supporting the objectives of the European Union Rule of Law Initiative for Central Asia (hereafter the «Initiative»), promoting reform and good governance in judicial systems, as the overarching regional framework for enhanced cooperation in the Rule of Law area, in Central Asia.

The political dialogue between the EU and Central Asia has a central role as defined in the Strategy for a New Partnership. One of the Platform's tasks is to contribute to intensify this high-level political dialogue by supporting the organisation of Ministerial Conferences which are "fed" by regional seminars gathering officials and experts from the EU and the five Central Asian countries. The regional seminar on Constitutional Law is Activity RG10 in the Platform's work plan. It is being hosted by Finland.

The Initiative was launched at the first EU-Central Asia Ministerial Conference on rule of law, which was held in Brussels in November 2008. On this occasion, "the importance of cooperation in the field of constitutional and administrative law as well as its enforcement" was emphasised. At the Third Conference of Ministers of Justice on 6-7 December 2012, in Brussels, the Ministers "underlined the importance of the continuous cooperation and further reforms of legislation in the field of constitutional justice and other spheres related to the rule of law".

Further development of constitutional mechanisms aimed at reinforcement of the principles of rule of law, separation of powers and legal certainty through reform of the existing legislation and its effective implementation, electoral law, laws conferring on the courts the power to decide on the application of restrictive measures of constitutional freedoms, have been addressed by the Platform. Other issues studied by Platform experts include the enhancement of the efficiency and independence of Constitutional Councils and Courts in particular, requirements for judges and the judiciary in general, requirements for the constitutionality of laws and legal opinions on constitutional laws have been prepared by the Platform.

At the request of the EU, the Rule of Law Platform will hold a regional seminar on constitutional law, the first of its type for the Central Asia region, in Helsinki, on 17 September 2014. The event has been prepared following a need assessment conducted with Central Asian stakeholders, including judges of Constitutional Courts, Ministries of Justice and other parties.

This one-day national event will allow providing further assistance to current reforms in the area of Constitutional Law in the five Project countries, and especially on the following themes :

- I - The institutions in charge of controlling constitutionality
- II The protection of fundamental rights and freedoms by Constitutions and international conventions
- III - Constitutional control mechanisms and their efficiency.

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The present ToR relate to a mission for a Short-Term Expert to participate as speaker at the regional seminar on Constitutional Law (hereafter the “Expert”).

All assessments and recommendations should be presented in the context of practical conditions necessary to the good application of EU rules and standards, and should accordingly take into consideration the situation and conditions of the countries of Central Asia, including regional aspects, as appropriate.

### **Objectives of the Mission**

The main objective of the mission is to contribute to the regional seminar on Constitutional Law on Constitutional Law issues of importance to the Central Asian States. To help defining main directions for development of the rule of law and constitutional justice in these countries and to convey knowledge and information in these selected areas, on the basis of best International (preferably European) practices.

The Expert shall prepare recommendations on the topic of his/her presentations. A compilation of recommendations prepared by the experts present will be discussed and endorsed at the end of the regional seminar. Recommendations are very important as they will be used by the Central Asian governments and constitutional courts when defining their policies and the orientations of their reform programmes. They will be used also by the European Commission to design its programme of co-operation with Central Asia.

### **Tasks**

The Expert’s tasks consist in contributing to the seminar by:

- delivering an oral presentation of approximately twenty (20) minutes in either the English, German or the Russian language, on the following issue: “Constitution versus international standards in the field of fundamental rights”  
The Expert is invited to **respect exactly the above time limit** for his/her presentation according to the timing schedule of the seminar when it will be communicated to him/her, bearing in mind that translation will be simultaneous (with the exception of presentations in German – in this case translation will be consecutive)
- answering the questions following his/her presentation and participating in panel debates
- preparing a set of recommendations in relation to the issues in the Expert’s presentation prior to the seminar and contributing to finalizing of these recommendations at the outset of the seminar.

### **Target Groups**

Representatives of all project stakeholders from the five Central Asian States (25 participants), including the Constitutional Courts, President’s Offices, the Ministry of Justice, the General Prosecutor’s Office, the legal and judicial professions, and academics.

### **Expected Deliverables**

- Texts of presentation (full text or developed bullet points, preferably accompanied by a PowerPoint Presentation), in English, German or Russian,

- A set of recommendations related to the topic of the Expert's presentation.

### **Profile of the Expert**

- A university degree in law, preference will be given to candidates with a post-graduate degree.
- Comparative legal work experience with at least one country other than own (CIS country is preferred).
- Experience in teaching at graduate level or in lecturing to professionals.
- Excellent knowledge of the Constitutional Law and case-law of the EU and at least one EU Member State, either as judge of a Constitutional Court, law professional, or as academic/researcher.
- Experience in co-operation with government institutions and excellent communication skills.
- Fluency in English, German, or Russian.

### **Indicative Timetable of Activities and Deliverables**

The assignment is expected to take place in September 2014 and will involve a total of two (2) working days. The expert is expected to plan and perform all activities in accordance with best professional practice, bearing in mind the following arrangements.

<b>Assignment Arrangements</b>	
<b>Purpose</b>	<b>Indicative man-days</b>
Working days home based (preparation of presentation and of recommendations)	1 man-day
Working days in Helsinki (participating to the seminar)	1 man-day
<b>Total</b>	<b>2 man-days</b>

### **Required Submission and Approval Procedure reports**

The text of the **presentation, PowerPoint Presentation and recommendations** should be sent to the Team Leader by mail (barre@ruleoflaw.eu) c/o Ms. Yurova (e.yurova@altairasesores.es) not later than on **September 5, 2014**.

*\*Note: All prepared documents have to be submitted in English, German or Russian in single virus free Word file (and the slides in PowerPoint file(s)).*

*\*\*Note: All reports/documents must include the following disclaimer: "The views expressed are those of the author and do not necessarily represent the views of the EU Commission or Delegation".*

*\*\*\*Note: The Copyright of all intellectual work financed by the EU belongs to the EU.*

### **Inputs**

- 2 working days of expertise.
- per diem.
- International transportation costs to/from home base.
- Interpretation and translation costs (English-German-Russian).

### **Location and Duration of the Assignment**

Location: Home base and in Helsinki, Finland.

Mission Period: Total two (2) working days in September 2014.