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VACANCY Announcement

Post Title: Legal Advisor

Duty Station: Ramallah

Duration: 3 months

Deadline:

Start Date: Immediately

Remuneration: dependent on qualifications and experience

Type of Contract: Special Service Agreement

Background:

Grant No.

Among the OHCHR accomplishments, envisaged in its Strategic plan for the oPt in 2008 is the provision of sustained support to the judiciary with the aim to enhance knowledge of international human rights standards as well as strengthening of the respect for the rule of law and administration of justice.

In December 2007 the Palestinian National Authority (PNA) has approved a Palestinian Reform and Development Plan (PRDP) 2008-2010, which set out the PNA's medium term agenda for reform and development. The document aims to lay the foundations for a future Palestinian state by building the infrastructure, economy and the capacity of its institutions. Following the presentation of the PRDP by the Prime Minister Fayyad at the Paris Donors Conference on December 17, 2007 the donors' community endorsed it and pledged support for its realization. The country based donors' coordination structures were aligned with the development needs as presented in the PRDP and restructured to ensure balanced representation and co-chairing of the international agencies and competent national authorities.

A Judiciary Sector Working Group (JSWG) was established to coordinate the donor's support in this area and held its first meeting on 12 May 2008. OHCHR, along with UNDP and UNSCO is full-fledged member of the JSWG along with several other members of the donor community. At the first meeting of the JSWG the participants recommended to involve in its work representatives of the civil society as observers. They noted as well the close linkage of the work of the Judiciary SWG and the Security SWG (SSWG) and recommended alignment of their work. Further, a Strategic Framework governing the Justice Sector was endorsed by the participants at the meeting. Based on it, a comprehensive Justice Sector Strategy of the PNA (JSS) was signed at an official ceremony devoted to the Palestinian Justice Day on 29 May 2008 attended by the Prime Minister, Minister of Justice, Chief Justice of the High Judicial Council and the Prosecutor General.

At a joint meeting of the SSWG and the JSWG groups on the eve of the Berlin donors Conference on Palestinian Civil Security and Rule of Law held on 24 June 2008, it was decided to set up a joint coordination structure of both sector groups at the very technical level. The so

established PRDP Implementation Committee comprises representatives of the Ministry of Interior, Ministry of Justice, the High Judicial Council, General Prosecutor's Office, Ministry of Planning and Ministry of Finance and is co-chaired by Netherlands and UK as representatives of the donor community. It is tasked to coordinate, support and monitor concrete implementation activities in the area of security and justice and discuss sequencing of interventions.

The major development planning document in the oPt, the PRDP contains many references and commitments to the universally recognized human rights norms and presents a good starting point for undertaking targeted and coordinated actions to provide support to the PNA in its institution and capacity building efforts in the area of security and judiciary. The Justice Sector Strategy contains as well many references and parts specifically devoted to improving human rights observance. At a more technical level the Ministry of Justice is planning to establish a Human Rights and Citizen's Complaints Unit reporting directly to the minister but for the time being it is lacking financial and human resources to implement this plan.

Recently the Council of Ministers adopted the Government Legislative Plan for 2008-2012, which establishes specialized groups to work in different areas of the legislative reform and sets out the main areas where there is need of adopting or revising the current legislation.

Potential drawback in the reform process is the lack of clear division and competing competences between the different branches within the judiciary, namely the Ministry of Justice, the Supreme Judicial Council and the Prosecutor General. A memorandum of understanding is being prepared to address these tensions but it may not be able to resolve all discrepancies about the division of power between and interaction the different branches of the judiciary.

Potential obstacle for the process of drafting new legislation could be the lack of functioning legislative authority at present, due to the massive arrest by Israeli authorities of the Palestinian Legislative Council members after the victory of Hamas in the 2007 elections, which has no quorum to adopt new laws at present. New legislation is being enacted by Presidential decrees in order to keep the norm-setting process going. Taking into account that the political situation may change in the future, with new elections or by reaching some agreement between the PA and Hamas, this should not be an impediment to engage in the proposed support of the judiciary sector. However if this situation does not take some positive turn in the timeframe envisaged in the PRDP it may affect the implementation of the overall development reform package in the oPt.

With the view of the OHCHR strategic goal to provide support in strengthening of the justice system in the oPt, the availability of financial resources in the office budget and OHCHR current membership in the JSWG, it is proposed to carry out an assessment of the level of compliance of the existing Palestinian legislation with the UN human rights standards contained in the UDHR and other relevant UN norms and principles.

A local consultants for a period of three months will be hired who could assess the situation with the existing legislation and propose a strategy for continuing assistance of the OHCHR in the area of legislation reform.

Another area for OHCHR involvement in the Judiciary reform process within the needs assessment consultancy is the reviewing of the current status and potential incorporation of human rights standards into the training curriculum of the Judicial training institute and the Law faculties in oPt.

At the stage of finalizing the needs assessment study on the compliance of the Palestinian legislation with the HR standards, an OHCHR staff member from the UN HQ with relevant qualification and experience will be invited for a period of 5 to 10 days to review its finding and recommendations and align them with the priorities and the technical capacities of the office to implement them. A plan of action will be worked out on the basis of this review and included in

the planning documents of the OHCHR oPt for the following year.

Duties and Responsibilities:

The national consultant will draft a needs assessment study of the compliance of the Palestinian legislation and other relevant normative acts in force with the international human rights provisions contained in the UDHR and other relevant UN documents, standards and principles, which will include:

- a thorough examination of the situation with the existing legislation and other relevant normative acts in force affecting enjoyment of human rights in the context of the oPt;
- mapping the support provided by other donors on the ground in the area of legislative reform in both Gaza and the West Bank;
- identifying the areas where other donors have already started or pledged support in reforming the legislation;
- identifying needs for amendment or legislation gaps where new laws and other relevant normative acts should be designed and adopted if these needs are not already covered by other donors;
- recommending the level and type of normative acts that need to be adopted, like legislation, administrative regulations, executive decisions, etc. to regulate the relevant areas affecting human rights compliance;
- recommending the areas where the OHCHR assistance in revising legislation will have a higher impact on improving observance of human rights;
- proposing a strategy for continuing assistance of the OHCHR in the area of legislation reform;
- further, the national consultant will review and assess the current status and the need of incorporation of human rights standards into the training curriculum of the Judicial training institute and the Law faculties in oPt and propose further steps and forms of support if necessary.

It is crucial to adopt a participatory approach in the assessment of the compliance of the national legislation with the international human rights standards and its strategizing to safeguard ownership and ensure successful implementation. In this process the consultant will take stock of the activities and programmes conducted or planned by various donors, local institutions, UN partners and the work of the existing coordination structures in the area of security and judiciary reform. Maintaining close contacts with members of the PLC, judiciary, Palestinian Independent Human Rights Commission, NGOs and civil society groups are vital to generate support for the proposals for legislative reform and ensure engagement of the key partners in the process. The final outcome of the consultancy will need to receive endorsement from the relevant Palestinian norm-setting body at the time of completing (PLC or a Presidential enactment) in order to be effectively used and applied in the legislative process.

Competencies:

General competencies:

- Professionalism
- Integrity

- Enthusiasm
- Commitment
- Planning and Organizing
- Communication
- Judgment and Decision Making
- High organizational skills
- Able to work efficiently with minimal direction

Minimum Qualifications:

Education.

- A minimum of Masters Degree in Law with human rights specialization (required).

Work Experience.

- Minimum five years experience in law practice or legal consultancies related to human rights.
- Experience in assignments involving assessment and review of laws and regulations.

Languages.

- Excellent written and verbal communication skills in both English and Arabic

Other considerations.

- Proven ability to work with partners, senior government officials and representatives of international agencies.
- Self-starter who can handle difficult tasks simultaneously, work under pressure while maintaining rigorous attention to details.
- Demonstrated task management skills.
- Demonstrate excellent analytical skills.
- Demonstrated ability to think strategically.

For more information on OHCHR, including its core values and competencies, please visit the OHCHR website at www.ohchr.org .

To Apply:

Interested candidate should submit their CVs/P-11 form no latter than 31 August 2008 to :

Fax number: 02-298-9470 or by e-mail: OHCHR-oPt@ohchr.org

“OHCHR is an equal opportunity employer: applications from men and women will be considered equally”