

Terms of Reference

LEGAL ANALYST

Background:

ODIHR is the leading agency in Europe in the field of election observation. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess the compliance of elections in OSCE participating States in line with OSCE commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into all elements of an electoral process, and permits to make concrete recommendations to further improve electoral processes. Further details of the organization can be found at www.osce.org/odihr.

Objective:

Under the guidance of the Head of Mission (HoM) and in close co-ordination with the Deputy Head of Mission (DHoM) and the ODIHR Election Department, the Legal Analyst assesses the extent to which the national legislation and its implementation comply with OSCE commitments and other international standards for democratic elections.

Main tasks:¹

Legal Expertise

- Acquire knowledge of the judicial system, constitutional system, political and electoral situation in the country;
- Acquire detailed knowledge of the electoral legal framework and other any other laws relevant to the elections (media regulations, judicial system, electoral procedures, etc.); and
- Become familiar with the ODIHR election observation methodology reflected in the relevant ODIHR publications; and
- Acquire knowledge of OSCE commitments and other international standards for democratic elections.

Legal Issues

- Follow all election-related disputes, complaints, court cases, and appeals;
- Review and report on election-related court cases throughout the election period;
- Attend relevant meetings, particularly court meetings and meetings of the national election authorities and report as required; and
- Record and follow-up on complaints and appeals and ensure that information about complaints and appeals is distributed to relevant members of the mission.

Advisory Role

- Prepare briefing materials, talking points on the legal framework as requested by the HoM/DHoM; and
- Provide advice to the HoM on any legal issues as required.

Supporting and Managerial Role

- Work closely with the Long-term Observer (LTO) Co-ordinator to ensure that LTOs are provided guidance to effectively observe the work of local courts;
- Liaise with LTO Co-ordinator to follow-up on complaints through LTOs;
- Participate in briefings for observers seconded by participating States, locally recruited observers, parliamentary observers, and diplomats as required;
- Fully support the activity of LTOs and STOs during the course of their work; respond to their inquiries and follow up on their observations with the relevant authorities;
- Support the activity of the mission and of the international observers in any other aspect that is required;

¹ These apply to all types of ODIHR observation related activities (Election Observation Missions, Limited Election Observation Missions, Election Assessment Missions, and Election Expert Teams). Some of the tasks, however, particularly due to the absence of long and short-term observers, are not applicable to Limited Election Observation Missions, Election Assessment Missions and/or Election Expert Teams.

- Participate in selection of support staff to core team members according to the established procedures; and
- Manage Senior Legal Analyst Assistant, including certifying and evaluating the results of his/her work.

Gender Issues

- Analyse women's participation in the elections in area of responsibility whenever the mission core team does not include a dedicated analyst for women's participation in the electoral process. When the core team includes a gender analyst, assist him/her to collect information on women's participation in area of responsibility.

National Minority Issues

- Analyse national minority participation in the elections in area of responsibility whenever the mission core team does not include a dedicated analyst for national minority participation in the electoral process. When the core team includes such an analyst, assist him/her to collect information on national minority participation in area of responsibility.

Reporting

- Prepare reports on legal issues as requested by the (D)HoM; and
- Contribute to all mission reporting (Interim Reports, Statement of Preliminary Findings and Conclusions ("Preliminary Statement"), and Final Report) and formulate recommendations as required for inclusion in the Final Report before leaving the mission area.

Requirements:

- University degree in international human rights law, or related field with strong knowledge of election laws;
- Four years of relevant professional work experience in law, national election administration, non-governmental organizations, international organizations, involved in observing and/or organizing election processes;
- Excellent analytical and drafting skills;
- Demonstrated ability to work under pressure in a sensitive political environment;
- Demonstrated ability to work in managerial role and as a member of a team composed of individuals of different cultural and political backgrounds, while maintaining impartiality and objectivity;
- Computer literate; familiarity with word-processing;
- Excellent written and oral communication skills in English with particular knowledge of technical legal terminology used in the field of elections. Knowledge of local language(s) is an asset;
- Demonstrated gender awareness and sensitivity, and an ability to integrate a gender perspective into tasks and activities; and
- Remain available for consultation (by phone or email) until the Final Report is published.

Deliverables:

- Relevant input to Draft Interim Reports, Preliminary Statement, Final Report, LTO Guidebook, and STO Guidebook (if applicable);
- Participation in recruitment of support staff to core team, including preparing and signing the interview report; and
- Certification and evaluation of work performed by support staff under direct supervision.