

Terms of Reference

LEGAL ANALYST, ELECTION SUPPORT TEAM (EST)

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.

The Afghan Independent Election Commission (IEC) has called Presidential and Provincial Council elections for 5 April 2014. On 24 October 2013, following an invitation from the Independent Election Commission of Afghanistan to support Afghanistan's election process, the Permanent Council passed Decision 1094 which tasks the OSCE/ODIHR to deploy an Election Support Team (EST) to Afghanistan. The OSCE/ODIHR EST will *"assist government and international efforts"* for the upcoming elections and prepare a report *"on the electoral process, based on its findings, including a set of recommendations to the Government of Afghanistan for implementation as appropriate in the post-election period, with a view to enhancing the conduct of future elections and improving Afghanistan's legal framework and procedures."*

Objective:

Under the guidance of the Head of the ODIHR EST and in close co-ordination with the Deputy Head and the ODIHR Election Department, the Legal Analyst of the ODIHR EST assesses the national legislation and makes recommendations with a view to enhancing the conduct of future elections and improving Afghanistan's legal framework and procedures.

Main tasks:

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.);
- 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

- Attend relevant meetings, particularly court meetings and meetings of the national election authorities and report as required; and
- Analyse the legal framework for human rights issues and provide recommendations on how it could be improved.

Advisory Role

- Prepare briefing materials and talking points on the legal framework as requested by the Head or his/her deputy;
- Provide advice to the Head of EST on any legal issues as required.

Supporting and Managerial Role

- Fully support the activity of international team members during the course of their work; respond to their inquiries and follow up on their observations with the relevant authorities (if applicable);
- 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.

National Minority Issues

- Analyse national minority participation in the elections in area of responsibility.

Reporting

- Prepare reports on legal issues as requested by the Head/Deputy Head of EST; and
- Contribute to all ODIHR EST reporting, including Final Report, and formulate recommendations as required for inclusion in the Final Report before leaving the mission area.
- Prepare an analytical report including recommendations for the Head of EST about the election related legal framework for inclusion in the final report; and
- Remain available for consultation (by phone or email) until the ODIHR EST Final Report is published.

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;
- Experience in conflict or post-conflict situations are highly desirable;
- 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:

- Advice and guidance to election stakeholders, as requested;
- Relevant input to Final Report and other reports, as requested;
- 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.