Terms of Reference

Compliance and Facilitation Directorate
Enforcement and Compliance Sub-Directorate

WCO COPES Programme

Consultancy for the design and delivery of curricula on investigations and prosecutions both in the area of Security and Organized crime

Deadline for applying: 5 January 2024
To submit by email to: Copes@wcoomd.org
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1. BACKGROUND

i. Contracting Authority
World Customs Organization (WCO).

ii. Introduction
The World Customs Organization (WCO) is an independent intergovernmental body, established in 1952 as the Customs Co-operation Council (CCC), whose mission is to enhance the effectiveness and efficiency of Customs services across the globe. The WCO represents 185 Customs administrations that collectively process approximately 98% of world trade. As the global centre of Customs expertise, the WCO is the only international organization with competence in Customs matters.

As a forum for dialogue and exchange of experiences between national Customs delegates, the WCO offers its Members a range of Conventions and other international instruments, as well as technical assistance and training services provided either directly by the Secretariat, or with its participation. The Secretariat also actively supports its Members in their endeavours to modernize and build capacity within their national Customs administrations.

2. DESCRIPTION OF THE ASSIGNMENT

i. Programme Overview
The Customs Operational Practices for Enforcement and Seizures (COPES) Programme arose out of the awareness on the part of Members of the World Customs Organization (WCO) regarding the need to improve evidence collection standards, more specifically to integrate more effectively the activities of Customs agencies to combat organized crime and meet other challenges associated with border security. With that in mind, starting in 2010, the Members, in conjunction with the Secretariat, compiled a Compendium, which was adopted in 2011 at the 31st Session of the Enforcement Committee (EC). Enhancements to the document were made and subsequently endorsed by the EC and the WCO Council in 2013.

Customs is charged with the task of ensuring that cross-border flows of goods, people and means of transport comply with laws and regulations embodied in Customs legislation, or in other legislation or international instrument it is empowered to administer, including security issues. By effectively discharging this mandate, Customs directly contribute to national economic prosperity, economic development, public health and safety, and national security.

In support of these responsibilities, the WCO has many tools available which contribute to the overall goals of trade facilitation, compliance and enforcement, among them is the COPES Programme. This Programme is designed to highlight useful Customs operational practices in the area of enforcement, given their important role as tools for Customs administrations, as governments strive to ensure the safety and security of their citizens, as well as to preserve the legitimate global trading system. In this way and in order to better include the Customs’ action within the judicial system, it focuses on evidence collection, seizures of assets, investigations and prosecutions. These two last functions are historically new in the Customs arena. So there is a need to promote those and strengthen the roll out of the dedicated trainings.

The task of an investigator is to gather and evaluate information in order to prove a criminal act and present that information (or evidence) forward for prosecution. Not all information obtained throughout an investigation will meet the standard of evidence needed to be used in a court of law, but all information has “value” insomuch as it may serve to prove or disprove an action contrary to criminal or civil law and therefore should be handled under structured guidelines. In the case of Customs investigations, some are reactive in nature and begin after a violation of law is detected and a commodity is controlled or seized within the supply chain. The commodity (or) contraband seized as well as the documentation related to the seizure in question can be among the most critical elements of physical evidence needed to prove a criminal act. In order to minimize legal jeopardy, it is paramount that those administrations responsible for the handling and processing of information at every stage in the procedure do so in accordance with the appropriate rules of evidence. It is understood that the task of the front-line officer and investigator are closely related and are often times dependent upon each other. Therefore, a common understanding of each components role in the process is fundamental. This is not to say that one is not more important than the other; however, the

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extent and value of information obtained from physical items, which are intended to be used in criminal proceedings, may be greater realized with a broader understanding of investigative goals, capabilities and evidentiary requirements by those front-line entities in immediate charge of evidence collection and handling at the point of interdiction. Although it is generally accepted that information obtained from physical items usually reflects a higher evidentiary value, it is important to relay that this concept also applies to other types of evidence, for example personal evidence obtained through inspections (e.g. eyewitness statements, statements of suspects detained at time of seizure including spontaneous utterances, admissions of guilt, and confessions) prior to the involvement of an investigator.

ii. Requested services
The experts will work in close cooperation with the WCO COPES Programme Manager within the Enforcement and Compliance Sub-Directorate, in the Compliance and Facilitation Directorate.

The experts will be responsible for:

(i) Designing training material for adults:
- Drafting training material on seizures, evidence handling, investigations and prosecutions based on and referring to the contents of the WCO COPES Compendium, all the related training material and their professional experience.

(ii) Operational activities:
- Delivering trainings on seizures, evidence handling, investigations and prosecutions based on and referring to the contents of the WCO COPES Compendium and all the related training material.

(iii) Reporting and analysis activities:
- Reporting on his/her activities to the WCO COPES Programme Manager throughout the duration of his/her contract; and
- Producing a detailed final report by the end of every seminar or training, describing the training activities delivered, including results, achieved outcomes and recommendations for the future.

(iv) Communication activities:
- Assisting in liaising with Programme participants, partners and other key stakeholders.

(v) Any other tasks that may be agreed upon with the WCO COPES Programme Manager.

3. EXPERTS PROFILE

i. Number of experts
The number of experts (consultants) will depend on the needs of the COPES Programme.

The experts will be part of a pool of trainers.

ii. Profile required
The experts shall on the one hand work on the design of training material with a high level of technicity and on the other hand deliver trainings to Law Enforcement Administrations working at the border. The experts will have to deliver missions in countries and locations to be determined by the WCO Secretariat.

The experts should have relevant education, qualifications/skills and experience profilled below:

Education
✓ Advanced university degree (Master or equivalent) or higher (PhD or equivalent) in a relevant field of study in combination with eight (8) additional years of compulsory relevant work experience; or
✓ A first-level university degree in combination with ten (10) additional years of compulsory relevant work experience.
Qualifications and skills

- Fluency in English or French; fluency in both would be an asset;
- Fluency in Arabic, Spanish or Russian would be an asset;
- Good organizational skills;
- Stress-resistance;
- Flexibility;
- Enthusiasm and open-mindedness; and
- Strong interpersonal skills.

Professional experience

- A minimum of ten (10) years relevant operational practice as law enforcement officer, an investigator and/or a prosecutor is required for this position;
- Strongly skilled senior trainer with previous experience in similar assignments in multicultural environments;
- Sound knowledge of and experience in fight against serious organized crime and security-related issues, i.e. mainly drugs, financial fraud, dual use goods, strategic trade control, non-proliferation, drug trafficking, protection of endangered species, counterfeiting, excise fraud, commercial fraud, smuggling, money laundering and counter terrorism financing;
- Sound knowledge of IT investigations/evidence (Internet, mobile phones, laptops, IT devices);
- IT forensics;
- Counter-proliferation finance;
- Transnational Organized Crime within the topics covered by the WCO;
- Handling of seizure and chain of custody;
- Investigative procedures (including experience as witness in court proceeding);
- Criminal investigations, preferably as a supervisor, experience and presentation of successful cases would be a strong asset;
- Prosecutions in the above mentioned areas;
- The design and development of lesson contents and plans, including interactive training sessions, exercises and presentations;
- The delivery of interactive trainings for adults;
- International technical support; and
- Previous experience working with the WCO Secretariat would be an asset.

4. FRAMEWORK AGREEMENT AND CONDITIONS

i. Duration of the Framework Agreement and payment

The Framework Agreement will be valid until 31st December 2025. Services of the experts are usually required for a period of up to three (3) weeks; however, the possibility of successive training seminars cannot be excluded.

Salary up to five hundred euro (€ 500) per working day, depending on the expert's qualification and experience. No tax will be deducted at the source; experts are solely responsible to apply and pay any applicable tax in relation to the agreement, and it is their responsibility to declare and pay the relevant taxes. Experts shall have a duly incorporated, registered, organized and validly existing company under the laws of their home country.

The experts travelling on duty on behalf of the WCO under a travel order will be entitled to the reimbursement of travelling expenses actually incurred for this purpose, together with a daily subsistence allowance.

ii. Location

The experts can work remotely and/or from the WCO headquarters in Brussels, Belgium. Depending on the specific needs, the experts will be required to work in countries and locations to be determined by the WCO Secretariat.
5. APPLICATION AND RECRUITMENT PROCESS

The onus is on the applicants to demonstrate how he/she meets each of the essential qualifications and requirements. Applicants are encouraged to detail concrete achievements in their CVs and/or in their cover letters as well as include references.

They may be requested to provide copies of their original diploma, certificates and proof of relevant experience. Pre-selected candidates may also be subject to reference checks to confirm the information provided in the application.

Interested candidates should submit their application no later than Friday 5 January 2024, including a CV of maximum five (5) pages and a cover letter in English or French by email to: Copes@wcoomd.org

The evaluation of applicants will be conducted on the basis of the information submitted in the application according to criteria of the position and the WCO applicable rules.