



TERMS OF REFERENCE

- A. Job Title:** National Consultant to support the development of the Automated Informational System for the Record of Crimes “Register of Forensic and Criminological Data” of the General Prosecutor Office
- B. Duty Station:** Chisinau, Moldova
- C. Project Reference:** “Support to Justice Sector Reform in Moldova” (GPO component)
- D. Type of Contract:** Individual Contract (IC)
- E. Duration of Assignment:** 10 April-30 November 2014 (estimated 40 working days)

F. Background:

The justice system in Moldova is perceived to be weak by its citizens. The weakness in the justice system is partly due to reduced independence of the judiciary in practice, as well as to the reduced efficiency of courts, characterized by insufficient training and awareness in applying international and European law, inadequate skills, and insufficient self-regulating mechanism. There is also the reduced independence and capacities of pre-trial investigation and prosecution bodies, as well as other actors, including lawyers, bailiffs, probation officers, police and other security personnel, and poor adaptation to the needs and rights of children below the age of 18 in contact with the law. Major improvements are also required in coordination of the implementation and monitoring of the justice sector reform, setting up a more efficient legal aid mechanism and putting in place effective - institutional and procedural - tools for preventing and fighting corruption.¹

The Justice Sector Reform Strategy for 2011-2016 (adopted in November 2011) (hereinafter, the Strategy) is the main comprehensive document dealing with justice reform, with the key objective of strengthening the independence, accountability, impartiality, efficiency and transparency of justice system. The Strategy is accompanied by an Action Plan (adopted in February 2012) which outlines strategic directions, actions to be carried out and preliminary implementation costs.

¹ United Nations-Republic of Moldova Partnership Framework (2013-2017)

The term "justice sector" used throughout the Strategy refers to the institutions and structures that have the main or auxiliary contribution as regards the organization and execution of justice in the Republic of Moldova. Thus, the "justice sector" includes primarily the judiciary as well as the whole range of authorities and relationships between them that contribute to justice, namely prosecution bodies, justice sector related legal professions (lawyers, notaries, mediators, court enforcement officers, legal experts, police, managers of insolvency proceedings, translators/interpreters), the probation system, the system of enforcing court decisions, the prison system, Ministry of Justice, Ministry of Interior, Prosecutor General Office, Ombudsperson Office, and the Constitutional Court. The Strategy concerns administrative authorities, such as the Parliament, Government, Superior Council of Magistracy, to the extent that their activity is related to the adoption and implementation of laws relevant to the justice sector.

The first years of implementation of the Strategy and Action Plan have shown that there are a number of challenges and problems caused by both objective and subjective circumstances: lack of capacities, shortage of material resources, shortage of skilled personnel, delays and inactions for these particular and other reasons, the resistance of justice sector actors to significant reforms in the field, etc.² A significant increase of the budget for the justice reform in 2013 (59.6% as compared to 2012) faced a reduced capacity to absorb the funds allocated for this purpose, primarily due to lack of adequate regulatory framework, unadjusted number of staff to the increased volume of activity, as well as the inability to rapidly adapt to the new conditions and work practices.

In addition to this, despite a large interest in the Justice Sector Reform Strategy from the part of various actors and continuing support to the Government for the Strategy's implementation, the pace of reforms is lower than it is expected. According to the independent monitoring,³ only 60% of the activities planned for 2013 were implemented by the end of September 2013.

Against this background, UNDP developed and implemented so far under the Support to Justice Sector Reform framework a series of interventions focused on supporting the justice sector reform initiatives in Moldova, based on the needs of various actors in charge of particular chapters from the Strategy and beyond.

Ensuring access to a fair justice system is at the core of UN mandate. The United Nations-Republic of Moldova Partnership Framework (2013-2017) (UNPF) highlights the need for continuous support in promoting democratic governance, justice, equality and human rights, with a particular focus on justice reform in the Outcome 1.2: Justice sector actors are better able to promote access to justice and uphold rule of law in compliance with international commitments. Thus, the project is in line with the UNPF objectives and will contribute to the achievement of the planned results within the current cycle of the UN – Republic of Moldova cooperation.

² Ministry of Justice of the Republic of Moldova, *2012 Annual Report on the Implementation of the Justice Sector Reform Strategy for the years 2011-2016*, p.18.

³ Promo-LEX, AGER, *Trimestral Report no.3 on the Monitoring of the Justice Sector Reform Strategy Implementation*, 2013, p. 7: http://www.promolex.md/upload/publications/ro/doc_1384528913.pdf

Justice sector reform is one the most complicated and strategic reforms for the Republic of Moldova, and the fulfilment of key Government's objectives on the European integration are heavily depending on the success of this reform. Therefore the project will continue to support national stakeholders in their Justice Sector Reform Strategy implementation and in strengthening their capacities, as well as to ensure that the reforms are on track and the resources are used efficiently. In this respect the project will shift from policy and legislative formulation to focusing on the practical implementation of the reform with the tangible and visible results both for the target groups involved and the broader public. The project will also address activities that are equally important for a steady progress in the implementation of the reform, but had not received a relevant attention yet.

The current phase of the Support to Justice Sector Reform Programme focuses on the following three components:

1. Improving the capacities of law enforcement bodies to manage data, to collect and administer the criminal justice statistics;
2. Strengthening the individual and institutional capacities to prevent and fight torture and impunity
3. Strengthening juvenile prisoners' vocational training for their re-socialisation and employment after their release

The services in line with these Terms of Reference are sought in the framework of programme component 1, mentioned above.

Current systems of criminal statistical data collection are outdated and inefficient: every criminal investigation body collects its own criminal justice statistics, while the possibilities for interfacing and exchanging data are limited. Due to this the statistical data on the same indicator may not be the same in case of different criminal investigation bodies. The potential of existing data analysis systems to identify trends and solutions for preventing, and not only for reacting to criminal activities, is extremely low.

To address this particular deficiency the Justice Sector Reform Strategy indicates a number of activities meant to change the current situation, including: standardising the procedures for collecting and analysing statistical data related to the criminal justice; modernizing the statistical data collection; implementing a functional electronic system of keeping record of offenses; training of pre-trial actors to use electronic systems and tools. In this respect, activities under this component will contribute to the implementation of the following actions under the Justice Sector Reform Strategy's Action Plan: 2.4.1.1 – Developing the automated information system for the record of crimes "Register of forensic and criminological data". The General Prosecutor's Office will be the main partner for and beneficiary of this activity.⁴

The work under this programme component will particularly target the development of electronic tools for the registration, record keeping and management of crime related data to ensure a unified

⁴ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/PA_SRSJ_adoptaten.pdf

approach of all criminal justice actors to criminal justice statistics and exclude the duplication, overlapping or circulation and use of divergent data.

A number of sub-activities are envisaged, as follows: developing technical specifications for developing the e-system to correspond to the applicable legal norms and standards concerning the protection of personal data; organizing a competitive process for selecting a supplier to develop and deliver the e-system; exposing to the experience of the prosecution service from other country on the use of e-systems and tools in their daily work; providing in-house training for the e-system operators, as well as ensuring interconnectivity with other related databases and software instruments available to the law enforcement bodies.

G. Objective:

The objective of this consultancy service is:

- To provide advice and support in developing the concept and technical specifications/requirements for the automated information system for the record of crimes "Register of forensic and criminological data";
- To assist the Project with technical expertise in the procurement processes to be launched in the framework of this activity.

The General Prosecutor Office will be the main beneficiary of the information system to be developed. The information system's architecture will be built taking into account the functionalities of an "e-file". It will combine, but will not limit to, functionalities required for the proper management of document's flow, organization of business processes in line with the relevant legislative framework, collection and disaggregation of statistics and other reporting functionalities, interconnection/integration with other information system(s) of the law enforcement bodies.

The concept and technical requirements will include the description necessary for developing technical projects/solutions of an informational system, taking into account the needs and expectations of the beneficiary institution. Based on the concept the requirements should include concrete aspects of realization of the system components.

The assignment is estimated to last 40 working days during April-November 2014. The deliverables shall be provided according to the tentative schedule mentioned below.

H. Scope of work and expected output:

In order to achieve the set objectives, the **Consultant** shall:

- Perform a desk research to identify best practices, lessons learned and examples of similar information systems;
- Meet with the relevant contact/resource persons from the beneficiary institution to identify/clarify their needs and expectations from the information system;

- Produce the concept of the information system, taking into account the draft developed by the General Prosecutor Office, and consult it with the beneficiary institution;
- Develop the technical requirements for the information system and consult it with the beneficiary institution;
- Perform an assessment of the GPO's existing IT infrastructure and its compatibility with the functionalities expected from the information system, taking into account the proposed technical requirements;
- Be member of the evaluation committee, attend the evaluation committee's meetings, and sign the evaluation reports;
- Draft the technical criteria for the evaluation of offers/proposals to be inserted into the procurement documentation;
- Attend all meetings (project meetings, pre-bidding conference, etc.) related to the procurement processes, launched by the Project for the acquisition of the information system;
- Provide prompt answers to the technical questions submitted by the potential offerors in the framework of the procurement processes;
- Assess the technical parts of the submitted offers and provide clear-cut justification for the rejected offers/proposals;
- Assess the functionalities of the information system, delivered by the contracted offeror, against the proposed technical solution;
- Perform other assignment related tasks.

I. Deliverables (tentative schedule):

	Deliverable	Timetable
1.	Desk researched performed, meetings with the relevant persons/subdivision of the beneficiary institution carried out, needs and expectations identified, the existing IT infrastructure and its compatibility with the functionalities expected from the information system assessed	By 18 April 2014
2.	Concept of the information system and the collateral technical requirements drafted and consulted with the beneficiary institution	By 30 April 2014
3.	Technical criteria for the evaluation of the offers/proposals drafted and submitted to the project management	By 30 April 2014
4.	Meetings of the evaluation committee attended, answers to the technical questions submitted by the potential offerors provided	Throughout the procurement process
5.	Assessment of the technical offers/proposals conducted and clear-cut justification for the rejected offers/proposals provided	Throughout the procurement process
6.	Functionalities of the delivered information system assessed against the proposed technical solution	By 30 November 2014

Please Note: Deliverables are subject to amendment based on consultation outcomes; further guidance and amendment of the deliverables may be undertaken during the assignment, as needed and discussed.

J. Organizational Setting:

In order to achieve the given objective the National Consultant will work under the direct supervision of the “Support to Justice Sector Reform in Moldova” Project Manager – for the administrative aspects of the assignment – and in close cooperation with the beneficiary institution (General Prosecutor Office) – for the substantive aspects of the assessment. The National Consultant will work outside the project premises and will participate in all assignment related working meetings organized by the Project.

K. Inputs:

The Project staff will provide the Consultant with the necessary information and materials for the fulfilment of tasks, facilitate meetings and provide other reasonable logistic support.

L. Confidentiality:

Materials provided to the consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

M. Qualifications:

Education:

- University degree in IT&C, System Analysis and/or other related field of information technology.

Experience and Skills:

- Proven experience (at least 5 years) in planning, design, development, implementation and maintenance of information systems or related areas with a focus on information systems of public authorities;
- Implementing at least 2 previous similar projects from which at least one project shall contain all the following activities: Business and Technical Analysis (Requirements Engineering), system design, software development.
- Proven experience in working with the international or local organizations on similar assignments (successful experience in working with UN agencies is an asset);
- Skills in analysing, generalizing, and systematizing information;
- Strong communication presentation skills, ability to facilitate discussions;

- Proficiency in both written and verbal English, Romanian and Russian.

Personal qualities: responsibility, creativity, flexibility and punctuality.

The United Nations in Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.