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TERMS OF REFERENCE

Legal consultant to assist the Central Electoral Commission of Moldova on alignment of the State Register of Voters legal provisions to the current normative framework

Job title: Legal Consultant
Duty station: Chisinau, Moldova
Reference to the project: Democracy Programme / Elections
Contract type: Individual Contract (IC)
Expected workload: 20 working days during 22 April -20 June 2014
Starting date: 22 April, 2014

1. BACKGROUND:

UNDP Moldova "Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support" is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (Programme) provides continuous assistance to the CEC towards:

- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies to enable them to deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process in Moldova.

In May 2008 the Parliament of Moldova approved Law #101-XVI (Law No. 101) on the Concept of the State Automated Information System "Elections" (SAISE) for the development of an integrated automated system for elections management, including the State Register of Voters. SAISE is a comprehensive election management system which integrates key IT tools and functions needed by the CEC to conduct elections. Law No. 101 is scheduled to be fully implemented by 2015 and envisages establishment of the State Register of Voters (SRV) to be maintained by the CEC. It states that "The State register of voters is a single integrated information system to record the voters in the Republic of Moldova, destined for collection, storage, updating and analysis of information about citizens of Moldova who have reached 18 years and are not legally restricted in their civil right" (Chapter 1, Para. 2).

One of the Programme's objectives is to assist the CEC with further development of SAISE and, specifically, the State register of Voters. Support will be provided through assistance with development and alignment of the new regulations on SRV to the existing normative framework and support to IT development.

In order to prepare detailed legal framework for implementation of the SRV, the CEC has established an internal Working Group on development of draft legislation and regulations on SRV based on the conceptual provisions of the Law 101, Electoral Code and current CEC internal Regulation on preparation and administration of voter lists.

2. SCOPE OF WORK, RESPONSIBILITIES, AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK:

The Program intends to contract an experienced legal consultant ("Consultant") to provide the CEC with the necessary support in finalization of development of the new legal provisions on SRV and its alignment to the existing national legal framework.

Specifically, the Consultant will:

- Review relevant existing legal framework and other available documentation, such as, Law No. 101, Electoral Code legislative and other relevant legal acts¹.
- Participate in the WG meetings and individual meetings with CEC representatives;
- Assist CEC with drafting relevant parts of the draft legal provisions on SRV, in line with national legal techniques²;
- Assist CEC in the process of drafting the accompanying informative note for the regulation on SRV (including the assessment of the SRV's regulatory impact);
- Assist CEC with alignment of the produced draft regulation on SRV Law to the existing national legal framework;
- Advise CEC with regard to further implementation of the produced draft regulation on SRV;

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE:

	Key deliverables:	Indicative Timetable
1.	<u>Preparatory Work:</u> <ul style="list-style-type: none"> • Inception study of available information; • Preparation of a detailed work plan to be applied for respective assignment; 	By April 24, 2014
2.	<u>Draft regulation on SRV</u> finalized and submitted for approval;	By 15 May, 2014
3.	<u>Draft informative note on the regulation on SRV</u> drafted and submitted for approval;	
4.	<u>Draft amendments to existing Moldovan legislative framework for adoption of SRV prepared</u> and submitted for approval.	By 20 June, 2014

All deliverables should be agreed with CEC and the Programme and be provided in Romanian hard and electronic copy. The timeframe for the work of the Consultant is tentatively planned through April 22 – June 20, 2014.

¹ These include, among others, Electoral Code No. 1381-XIII (adopted November 21, 1997), Law No. 764 XV on administrative-territorial organization of the Republic of Moldova (adopted December 27, 2001); Law No. 436-XVI on Local Public Administration (adopted on December 28, 2006); Parliament Decision No. 290-XVI confirming the nominal composition of the CEC (November 11, 2005); Law No. 71-XVI on Registers (adopted March 22, 2007); Law No. 982-XIV on Access to information (adopted May 11, 2000).

² As specified in Law nr. 780 of 27.12.2001 on legislative acts and other relevant legislation.

Institutional arrangements

The assignment shall be performed under the direct supervision of the UNDP Electoral Specialist and in close cooperation with CEC Head of Apparatus and CEC Legal department. Deliverables will be approved by the designated CEC official and UNDP Electoral Specialist.

Payments will be made in two installments:

- Installment 1: upon approval and certification of the Deliverables 1, 2 and 3 by 15 May (25% of the total sum)
- Installment 2: upon approval and certification of the Deliverable 4 by no later than 20 June 2014.

The Consultant will not be provided office space in the premises of the CEC, but will be invited for meetings, discussion and drafting sessions as required. The Consultant is expected to work closely with the CEC staff.

4. Qualifications and Skills required

- Master's Degree or higher in Law or other relevant field;
- At least 5 years of experience in Legal drafting (e.g. laws, Governmental decisions, etc.);
- Previous experience in working with Moldovan Central Public Administration institutions;
- Experience in working with electoral legislation of Moldova;
- Proven experience in dealing with international electoral standards and best practices will be a strong asset;
- Experience in performing regulatory impact assessment of legal acts will be a strong asset;
- Experience in drafting normative acts in elections related area will be a strong asset;
- Previous experience in working within UNDP or other international organisations will be an asset;
- Proven knowledge of Moldovan Legal framework;
- Strong analytical, organizational and interpersonal skills;
- Knowledge of Romanian and Russian (verbal and written) is a must. Knowledge of English will be a strong advantage.

5. Documents to be included when submitting the proposals:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- a. Proposal: explaining why they are the most suitable for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item);
- b. Financial proposal (in USD, specifying a total requested amount per month, including all related costs, e.g. fees, phone calls etc.);
- c. Duly completed P11 form and personal CV.