



## European Union High Level Policy Advice Mission to the Republic of Moldova

### Draft Terms of Reference

#### Short-term local Anti-Corruption Expert

#### Background

The EU High Level Policy Advice Mission (EU HLPAM) is a project financed by the European Union and implemented by UNDP Moldova. The objective of the project is to support the Government to implement its EU-integration related reform Agenda and in particular to assist the government in developing the capacities required for the implementation of the Association Agreement, including the Deep and Comprehensive Free Trade Area, as well as the Visa Liberalisation Action Plan. Specifically, the project aims at strengthening the policy-making, strategic planning and policy management capacities of selected line Ministries and State Agencies involved in the implementation of the Association Agreement and Visa Liberalization and at enhancing stakeholders' knowledge and awareness of EU policies, legislation and regulations in sectors strategic to the implementation of the Association Agreement including the Deep and Comprehensive Free Trade Area, and to the implementation of visa liberalization.

One of the major priorities of the Association Agenda (AA) between the European Union and the Republic of Moldova is to improve the existing legal and institutional frameworks on corruption prevention and fighting. With this aim, EUHLPAM is assisting the National Anticorruption Centre (NAC) - the main anti-corruption authority at national level - in raising awareness of the policy implications of the Government's reform agenda and the AA negotiation and implementation processes, as well as in the identification of policy and legislative priorities. NAC benefits from the assistance of a EU High Level Policy Adviser/EUHLPA.

In this context, the implementation of the the Professional Integrity Testing Law (Law no. 325), which came into force on 14 August 2014 - is very important. The Law cannot be efficiently implemented without adjusting the whole domestic legal framework to its provisions and elaborating specific enforcement guidelines. The practice showed that the particular assistance is needed in clarifying how to report and secure evidences in the cases of active corruption. This goal could be achieved through providing comments to the articles 325 (Active Corruption) of the Criminal Code of Moldova, identifying differences between provisions of active corruption and undue influence (as per Law no. 325 on Professional Integrity Testing), analysing the examination of active corruption cases and elaborating recommendations for improving the inter-agency reporting on active corruption.

At the same time, for harmonization of the national anti-corruption legal framework with the EU and international anti-corruption standards it would be necessary to ensure compliance of the





## European Union High Level Policy Advice Mission to the Republic of Moldova

Law no. 59 on Special Investigative Activities with the Criminal Procedure Code of the Republic of Moldova.

Based on the above mentioned the project is seeking to engage the services of a *short term local anti-corruption expert on developing guidelines on reporting and securing evidences in cases of active corruption, and conducting a compliance review of the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova*. The required service doesn't involve any overlapping with EU funded and other donor assistance projects.

**Position Title: Local Anti-Corruption Expert**

**Duty Station: Chisinau, Republic of Moldova**

**Type of Contract: Individual Contract**

**Duration of the Contract: 35 working days (October 2014 – January 2015)**

**Reporting to: EUHLPA to NAC and the EUHLPAM project manager**

### **Description of Responsibilities:**

The local anti-corruption expert will develop guidelines on reporting and securing evidences in cases of active corruption, and conduct a compliance review of the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova

The local anti-corruption expert will report primarily to the High Level Adviser to the National Anti-Corruption Center and the EUHLPAM project manager.

### **Key Responsibilities:**

1. **To develop guidelines on reporting and securing evidences in cases of active corruption:**
  - Draft comments to the articles 325 (Active Corruption) of the Criminal Code of Moldova with the special attention to identifying differences between active corruption and undue influence (as per Law no. 325 on Professional Integrity Testing)
  - Analyse the examination of active corruption cases in judicial practice and application of sentences in these cases
  - Elaborate recommendations for improving the inter-agency reporting on active corruption
2. **To conduct compliance review of the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova**





## European Union High Level Policy Advice Mission to the Republic of Moldova

- Conduct compliance review in order to identify gaps and shortcomings between the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova
- Draft recommendations on harmonization of the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova

Deliverables, activities, and milestones shall follow this tentative schedule:

Deliverable/milestone	Indicative timeframe
1. <b>Guidelines on investigating of active corruption and trading in influence cases</b>	20 working days within November 2014
2. <b>Compliance review of the Law no. 59 on Special Investigative Activities and Criminal Procedure Code of the Republic of Moldova</b>	15 working days within January 2015

The local expert is required to operate according to the Mission's Code of Conduct, which constitutes an integral part of the contract, and a prioritised work plan agreed with the High Level Adviser to the National Anti-Corruption Center and the project manager.

### Qualifications and skills

#### I. Academic Qualifications:

- A Masters' Degree in Public and/or Criminal Law or similar. A Bachelor's Degree in the same areas combined with 7 years of experience in the sector will serve in lieu of a Master's Degree.

#### II. Years of experience:

- 7 years of professional experience
- At least 5 years of professional experience linked to anti-corruption policy and/or capacity building in justice and/or law enforcement areas.
- At least 5 years of proven experience of working with the law-enforcement authorities and judiciary in the Republic of Moldova

#### III. Competencies:



European Union



United Nations Development Programme  
is the implementing partner



## European Union High Level Policy Advice Mission to the Republic of Moldova

- Proven knowledge of criminal legislation of the Republic of Moldova and international anti-corruption standards
- Excellent research and analytical skills
- Proven report writing skills
- Computer literacy
- Fluency in written and spoken English
- Fluency in Romanian and Russian languages

### **Documents to be included when submitting the proposals:**

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

1. Proposal: explaining why they are the most suitable for the work and providing a brief methodology on how they will approach and conduct the work
2. Financial proposal;
3. Personal CV including past experience in similar assignments, the duly filled Personal History Form (P11) and at least 3 names for a reference check.

