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TERMS OF REFERENCE

- A. Job Title:** Two (2) International Consultants to conduct a needs/feasibility assessment and make recommendations for a DNA Profiling System in the Centre of Forensic Medicine
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Support to Justice Sector Reform in Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** November – December 2014 (up to 15 working days for each consultant)

F. Background:

A well-established forensic infrastructure, including appropriate, independent and effective forensic expertise system, including the necessary technical, financial, human and other resources is crucial for a successful justice system. The quality and accuracy of forensic investigations and examinations have an extensive impact on the quality of justice and affect the overall perception of the justice system by the litigants and other users of justice system, including the overall population.

To date, forensic services in Republic of Moldova (RM) require increased attention and support to improve the status of the forensic infrastructure in the interest of successful investigation and prosecution of criminal cases and fairness, transparency and accountability of the judicial system.

Recognizing the need for improvement in the judicial system, the Justice Sector Reform Strategy for 2011-2016¹ in the RM addresses the need of relevant authorities to implement modern investigative and criminal investigation methodologies (priority 2.3.1), as well as enhance the overall capacities and reconsider the place and role of the forensic centre and forensic experts (priority 2.3.3). In relation to this, the Justice Sector Reform Strategy Action Plan² stipulates the following specific actions for the achievement of the abovementioned objectives: strengthening the capacities of forensic medicine laboratories (DNA analysis) (Activity 2.3.1.1) and drafting of the methodologies for each type of forensic expertise (Activity 2.3.1.6).

Government Regulation on the National Centre of Forensic Expertise of the Ministry of Justice, No 1052 as of 12 September 2006 stipulates that the National Centre of Forensic Expertise of the Ministry of Justice serves the purpose of a coordinating agency in relation to forensic expertise, while the Centre of Forensic Medicine of the Ministry of Health has exclusive competence over forensic medical expertise.

The Centre of Forensic Medicine faces a number of capacity, institutional, and operational gaps: the forensic experts use outdated methods of laboratory investigation; the facilities are inadequate and need refurbishment; and the laboratory conditions have insufficient illumination and ventilation systems. These issues result from lack of institutional and financial capacities include “lack of uniformed quality standards and no approved and validated methods and procedures that would ensure integrity and identity of the evidence throughout the forensic process”, as well as “lack of sufficient, predictable and stable funding to meet even the needs of a daily work, no adequate

¹ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf

² http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/PA_SRSJ_adopptaten.pdf

equipment, instruments, daily materials, appropriate laboratory and other facilities to conduct basic forensic investigations”.³

These gaps were partially addressed by the EU-UNDP Project “Strengthening the forensic examination of torture and other forms of ill-treatment in Moldova” implemented in 2011-2012 which provided the laboratories of the Centre of Forensic Medicine with modernised equipment to conduct histological, toxicological and other investigations, IT equipment to cover the Centre’s basic needs, and a number of specialized books to provide access to modern forensic literature to the Centre staff and experts.

In order to address the needs identified in the Justice Sector Reform Strategy Action Plan, and ensure the sustainability of efforts, further support is necessary, especially in order to ensure and increase the capacity of the Centre of Forensic Medicine. Establishing a DNA Profiling system is one of the pressing needs for the justice system in the RM for ensuring the effectiveness and success of the criminal investigations, as well as contributing to the higher public trust in the justice system in the RM.

At the present moment, there is no State-run DNA Profiling Laboratory that can be used for forensic expertise to contribute to evidence-gathering for criminal investigations and subsequent prosecutions in RM. The Centre of Forensic Medicine lacks the premises, equipment, capacities, facilities and knowledge to ensure efficient running of a DNA Profiling Laboratory to perform DNA analysis for forensic and crime investigation purposes and civil cases (e.g. paternity tests). Consequently, conducting a needs assessment and a feasibility analysis for the establishment of a DNA Profiling Laboratory will be an important step for ensuring an effective DNA Profiling system, including later establishment of a DNA database and other components, which are expected to contribute to a more effective and fair justice system in the RM.

G. Objective:

The main objective of this assignment is to assist the Centre of Forensic Medicine to establish and successfully maintain a DNA Profiling Laboratory in the RM.

H. Scope of work and expected outputs:

The **scope of work** of the International Consultants will be:

- Conducting a needs assessment and feasibility study for the set up and creation of a DNA Profiling Laboratory for forensic and crime investigation purposes and civil cases (e.g. paternity tests) at the Centre of Forensic Medicine;
- Recommending further practical steps to be taken by the Centre of Forensic Medicine, National Centre of Forensic Expertise and relevant actors and stakeholders in order to set up and run a successful, effective, efficient, and accountable DNA Profiling Laboratory for forensic and crime investigation purposes and civil cases (e.g. paternity tests).

In order to achieve the objectives and to implement the abovementioned activities the International Consultants will work together and will:

1) Conduct a desk analysis and assessment of:

- The international standards and commonly used methodologies of performing and combining DNA profiling for forensic and civil purposes world-wide;
- Relevant population statistics, crime rates, rates of mortality as result of violent crimes, criminal investigations and other relevant data to determine an estimated amount of work (average cases a year requiring DNA profiling Laboratories for

³ “Feasibility Study on Forensic Infrastructure in the Republic of Moldova and the Findings of the External Audit of the Centre of Forensic Medicine”. UNDP Moldova, December 2011.

http://www.undp.md/publications/Forensics_Feasibility_External%20Audit_Report_EN.pdf

- forensic and crime investigation purposes) to be performed by the DNA Profiling Laboratory in RM;
- Current technical capacities (including infrastructure and human resources), resources and constraints of the Centre of Forensic Medicine;
- 2) Develop and present a **final report** in English on the consultancy undertaken including recommendations for:
- Which investigative and DNA profiling methodology and approach would be most appropriate considering:
 - Cost-effectiveness;
 - Cultural, societal norms in the context of the RM;
 - Financial resources and restrictions;
 - Available capacities in the RM;
 - Future plans related to DNA profiling and using DNA in the justice system in the RM (draft law for establishment of a DNA database, etc.)
 - Other relevant factors and particularities in the context of the RM.
 - Equipment and materials (including consumables) to sustainably maintain the Laboratory;
 - Human resources (experts, professional and technical staff, supporting/administrative staff, etc.) and organizational chart for a well-functioning DNA Profiling Laboratory;
 - Design (elements of space) and specifications of the DNA Profiling Laboratory considering the identified needs, constraints and the applicable international and regional standards (EU legal documents, ESS Standards, ISO 17025, etc.);
 - A list of administrative, technical and quality assurance procedures to be developed to ensure the security, efficiency and accountability of the personnel and the data at the DNA Profiling Laboratory.
- 3) Throughout the whole assignment, the International Consultants may undertake any other tasks related to the assignment as requested.

I. Deliverables:

#	Deliverable	Deadline
1.	Home-based desk review completed	20 November
2.	Mission to Moldova for data gathering, meetings with relevant stakeholders and feedback collection concluded	26 November 2014
3.	First draft of report in English on the feasibility study, including recommendations presented	26 November December 2014
4.	Second draft of report incorporating comments In English presented	1 December 2014
5.	Final report in English presented	08 December 2014

Deliverables can be amended or specified for the purpose of the assignment.

J. Organizational Setting:

The International Consultants will undertake one mission to Moldova for 5 days in November 2014 and will conduct the studies and analysis home-based for 10 days in December 2014.

The International Consultants will work in close collaboration with the Centre of Forensic Medicine of the Ministry of Health and under the direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst.

K. Inputs:

Centre of Forensic Medicine of the Ministry of Health and the UNDP Moldova Justice and Human Rights Programme Analyst will provide the National Consultants with the necessary information and materials for the fulfilment of tasks and will provide support in facilitation of the meetings where necessary.

If necessary, translation and interpretation services will be provided by UNDP Moldova during the mission to the RM.

L. Qualifications and skills required:

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Law-enforcement, Criminology, Biology, Genetics, Forensics or other relevant field;

II. Years and sphere of experience:

- At least 5 years of experience working in DNA profiling for civil and/or criminal purposes, laboratories specialised in DNA profiling, Evidence Screening and DNA Case Analysis;

III. Competencies:

- Proven commitment to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Demonstrable experience in conducting criminal, civil or other kinds of DNA Analysis and knowledge of DNA profiling skills, tools and techniques;
- Extensive knowledge of DNA profiling for criminal investigation and forensic purposes and civil cases;
- Experience providing expert advice, consulting services for similar types of assignments with similar deliverables would be a strong advantage;
- Knowledge and experience in gathering, analysing and evaluating information and data from a variety of sources;
- English or Russian language proficiency;
- Knowledge of Romanian language would be an advantage;

IV. Personal qualities: responsibility, creativity, flexibility and punctuality.

The United Nations Country Team in the Republic of 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.