

TERMS OF REFERENCE

- A. Job Title:** Two (2) National Consultants to draft methodological guidelines for the investigation of individual corruption cases
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening Rule of Law and Human Rights Protection in Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** November 2014 – December 2015 (up to 150 working days for each consultant with the possibility of extension)

F. Background:

The Republic of Moldova is facing with a number of problems which are negatively impacting the democratic governance, including corruption in the judiciary, insufficient respect of the rule of law and gaps in the human rights protection. These problems are officially recognised and specific national strategies and plans were elaborated in order to address them comprehensively.

Thus, the Government programme “*European Integration: Liberty, Democracy, Welfare*”¹ 2011-2014 and its *Action Plan 2011-2014*² are providing that the Moldovan government shall ensure the observance of the principle of separation and independence of the legislative, executive and judicial powers, as well as efficient fight against corruption and even and correct enforcement of laws. Strengthening the democratic governance in the Republic of Moldova is a priority for both the Austrian Development Agency enshrined in its *Country Strategy 2011-2015*³ and for the UNDP Moldova enshrined in the *United Nations Partnership Framework 2012-2017*.⁴

The *Justice Sector Reform Strategy 2011-2016*⁵ and its *Action Plan* foresees large-scale reforms to address many legal, economic and social bottlenecks to the development of Moldova in order to ensure that the justice system is independent, efficient, incorrupt and accessible to all. The *Pillar II of the Strategy – “The Criminal Justice”* requires an efficient and effective criminal investigation procedure complying with international standards; usage of modern methods of criminal investigation and prosecution; enhanced professional capacities of persons involved in activities of criminal investigation and prosecution.

The government of the Republic of Moldova needs to be supported in the implementation of reforms using and applying best international practices and experiences. One of the major priorities of the *Association Agenda between the European Union and the Republic of Moldova*, implemented in the period 2014-2016, is 2.1 *Political dialogue and reform*, which urges to “strengthen the coordination and information exchange between the authorities responsible for the fight against corruption, putting in place a functional framework for efficient financial investigations and asset recovery”. This priority action could be supported by using efficient measures on investigating corruption cases, which should be acquired along with the EU standards and best practices.

Corruption in the justice sector violates the right to a fair trial, undermines the protection of

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<http://www.gov.md/download.php?file=cHVibGJlL3B1YmtpY2F0aW9ucy8yNjkyNDQ1X2VuX3Byb2dyYW1fZGVfZ3V2LnBkZg%3D%3D>

2 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337937>

3 See Area 2.1.3: http://www.entwicklung.at/uploads/media/CS_Moldova_2011-2015_01.pdf

4 See Pillar 1: Democratic Governance, Justice, Equality and Human Rights: <http://www.un.md/publicdocget/42>

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

property rights, prevents long term investments and business activity thus violating human rights and slowing down economic development. In 2013 the Parliament has approved a package of anti-corruption legislation (laws on testing the professional integrity of the justice sector actors, on criminalization of illicit enrichment, and on extended confiscation) in order to strengthen the legislative framework for fighting corruption. The Action Plan of the Justice Sector Reform Strategy further stipulates in the point 4.1.3 (6) a need in the “Development of methodological guidelines for law enforcement in corruption cases”.

The Strengthening Rule of Law and Human Rights Protection Mechanisms in Moldova Project is funded by the Federal Ministry for Europe, Integration and Foreign Affairs of Austria, co-funded and implemented by the United Nations Development Programme in the Republic of Moldova (UNDP Moldova) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

G. Objective:

The main objective is to strengthen the legal framework and knowledge to combat corruption in the justice sector by strengthening the legislative framework and enhancing law enforcement staff knowledge and capacities to combat corruption.

H. Scope of work and expected outputs:

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

- Providing expertise, including theoretical and practical knowledge for drafting of methodological guidelines for the investigation of individual corruption cases by law enforcement professionals;
- Providing expertise aimed at capacity building and training of the professionals from the National Anti-corruption Centre and Prosecutors Office and other relevant actors and stakeholders based on the methodological guidelines for investigation of individual corruption cases.

In order to achieve the objectives and to implement the abovementioned activities the National Consultants shall work together as a team to:

- Provide professional expertise on the rules and procedures, theory and practice, international and national experience and best practices for the investigation of individual corruption cases taking into account human rights principles;
- Identify actors and stakeholders (e.g. the National Anti-corruption Centre and Prosecutors Office) that are responsible for investigation of corruption and implementation of the methodological guidelines for investigation of individual corruption cases;
- Conduct mixed focus-group consultations for drafting and testing of the guidelines with the identified actors and stakeholders (e.g. the National Anti-corruption Centre and Prosecutors Office) responsible for investigation of corruption and implementation of the methodological guidelines for investigation of individual corruption cases;
- Incorporate feedback received throughout the mixed focus-group into the methodological guidelines for investigation of individual corruption cases;
- Develop training curriculum and materials for training courses for the National Anti-corruption Centre and Prosecutors Office, (and other stakeholders if deemed necessary) on the methodological guidelines for investigation of individual corruption cases;
- Organise and conduct pilot training courses, including developing and preparing in a timely manner, presentations and facilitating further exercises/discussions, for the National Anti-corruption Centre and Prosecutors Office on the methodological guidelines for investigation of individual corruption cases;
- Conduct a review of the pilot training courses and incorporate feedback into the training curriculum on the methodological guidelines for investigation of individual corruption cases;

- Cooperate with national counterparts (General Prosecutor's Office, National Anti-corruption Centre and Prosecutors Office, other partners) and other relevant stakeholders for the purposes of the assignment;
- Develop and present a final report on the consultancy undertaken;
- Undertake other tasks related to the assignment as requested.

I. Deliverables:

#	Deliverable	Deadline
1.	Plan and methodology for drafting of the methodological guidelines for investigation of individual corruption cases developed and presented	By 20 November 2014
2.	Draft methodological guidelines with incorporated feedback from the mixed focus-group consultations presented	By 10 December 2014
3.	Final methodological guidelines with incorporated feedback from the mixed focus-group consultations presented	By 15 March 2015
4.	Training curriculum and materials for training courses on the methodological guidelines for investigation of individual corruption cases developed	By 31 May 2015
5.	Pilot training courses for the National Anti-corruption Centre and Prosecutors Office on the methodological guidelines for investigation of individual corruption cases carried out, reviewed and improved	By 15 November 2015
6.	Final report	By 01 December 2015

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

J. Organizational Setting:

This is a part-time consultancy. The National Consultants will be based in the office of the National Anti-corruption Centre and will work closely with the management and staff persons of the National Anti-corruption Centre. The National Consultants will work under direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst.

The project will seek synergies with the other actors active in the field of anticorruption, especially the Project will cooperate with the ABA/ROLI to elaborate and put in application the corresponding guidelines for the Prosecutors Office and the National Anticorruption Centre and to elaborate and pilot training courses. The National Anti-corruption Centre will be the key partner for the implementation of the assignment.

K. Inputs:

The National Anticorruption Centre 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.

L. Qualifications and skills required:

Qualifications	Consultant on law and methodologies	Consultant on law and investigation
I. Academic Qualifications:		
Master's Degree or equivalent (5-year university education) in Law, Criminal Law, Criminology, Human Rights or other relevant	√	√

field		
II. Years and sphere of experience:		
At least 3 years of proven professional experience:	In drafting legislation, methodologies, designing and implementing training curricula, courses and presentations	In conducting criminal, civil or other kinds of investigation work, prosecution or trial of criminal cases
III. Competencies:		
Adheres 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	√	√
Relevant professional knowledge of anti-corruption and related areas:	Of legislation drafting processes, methodology development techniques, various training tools, curriculum development techniques, especially on anti-corruption	Of investigation skills, tools and techniques used in investigation, prosecution and trial of criminal cases, especially anti-corruption cases
Experience overseeing, supervising or managing investigation work is a strong advantage	√	√
Experience and knowledge of anti-corruption related issues, actors, stakeholders and principles in the Republic of Moldova	√	√
International anti-corruption experience is an asset	√	√
Knowledge and experience in gathering, analysing and evaluating information and intelligence from a variety of sources	√	√
Knowledge of Romanian and Russian languages	√	√
Knowledge of English would be a strong advantage	√	√
Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset	√	√
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.