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## TERMS OF REFERENCE

### National consultant on anti-corruption

Job title:	National consultant on anti-corruption
Duty station:	Chisinau, Moldova
Reference to the project:	"Improving the quality of Moldovan democracy through parliamentary and electoral support"
Contract type:	Individual Contract (IC)
Expected duration of the assignment:	40 days within a 4 months assignment
Starting date:	June, 2015

#### Job content

##### I. Background

The UNDP Programme "Improving the quality of Moldovan democracy through parliamentary and electoral support" aims to enhance parliamentary capacity in carrying out its core functions, thus contributing to viable democracy and open society in Moldova. The project adopts a comprehensive, long-term approach to parliamentary development including strengthening of the legislatures law-making, representation and oversight roles.

The issue of corruption constitutes a permanent concern in the Republic of Moldova. According to the Transparency International Corruption Perception Index (CPI), in 2014 Moldova was ranking 105<sup>th</sup> out of 175 countries. The Republic of Moldova's commitments to curb corruption are explicitly stated in the EU – Republic of Moldova Association Agreement with the European Union, as well as in the documents that set out the cooperation framework with the Council of Europe, UN and other international organizations.

Moldova has signed the United Nations Convention against Corruption (UNCAC) on 28 September 2004, being required to align its anti-corruption policies, procedures and legislation with the measures prescribed in UNCAC articles. UNDP and Global Organization Parliamentarians Against Corruption (GOPAC) produced an Anti-corruption Assessment Tool for Parliamentarians that focuses on their role in ensuring effective UNCAC implementation. The results of the assessment will enhance parliament's legislative and oversight functions in anti-corruption area.

The Parliament's decision no. 154 on implementation of the National Anti-corruption Strategy 2011-2015 contains actions to be undertaken by public authorities in fighting corruption. The implementation of the Strategy and its Action Plan shall be finalized in 2015 and the Parliamentary Committee on National Security, Defence and Public Order (CNSDPO) is responsible for reviewing the results of implementation and follow-up on existing backlogs. In this context, Committee shall assess the progress made by the Executive to improve the anti-corruption legislation, so that it complies with the increased need for efficient anti-corruption activities of the law enforcement and control bodies (i.e. the National Anticorruption Centre, the Ministry of Internal Affairs, the Intelligence and Security Service of the Republic of Moldova).

Hence, UNDP is looking to hire a national consultant who will support the international consultant to carry out the Anti-corruption Self-Assessment and develop a draft Code of Conduct for MPs. He/she will

also enhance the CNSDPO oversight on the implementation of National Anti-corruption Strategy, in line with the GRECO and UNCAC country recommendations.

## **II. Scope of work and expected outputs**

The expected output for the national consultant's assignment is to support the international consultant to carry out the Anti-corruption Self-Assessment and develop a draft Code of Conduct for MPs. He/She will also conduct a thorough analysis of the current status of implementation of the National Anti-corruption Strategy, assigned to the institutions with responsibilities in fighting corruption. The consultant will assess the progress in the implementation of the National Anti-corruption Strategy.<sup>1</sup>

Following the assessment, the national consultant will identify the backlogs in the all the components of the Strategy e and provide recommendations for improvement..

The analysis will provide an overview of the available mechanisms to exercise the parliamentary oversight function and recommendations to strengthen this function.

In order to achieve the stated objective, the Consultant will have the following responsibilities:

- 1.1 Prepare a detailed work plan to be applied for respective assignment:
  - Undertake a comprehensive desk review of the relevant national legal framework, policies and strategies on anti-corruption. Get acquainted with Parliament Rules of Procedures and other internal and national regulations;
  - Organize in cooperation with the international consultant initial meetings with relevant Standing Committees to present the Anti-corruption Toolkit and plan the process of anti-corruption self-assessment.
- 1.2 Provide support to the International Consultant to carry out the Anti-corruption Self-Assessment process for the Parliament of the Republic of Moldova.
- 1.3 Provide support to the International Consultant to Develop the Draft Code of Conduct for Members of the Parliament.
- 1.4 Develop a report on the progress of implementation of the National Anti-corruption Strategy and anti-corruption policies, based on the indicators stated in the Parliament's Decisions No. 154 and 76.
  - Review the measures taken by Government to fight corruption by analysing relevant policies, laws, plans, programs and strategies and the level of their implementation in line with the indicators stated in the Parliament's decisions no. 154 and 76<sup>2</sup>.
  - Identify the backlogs and impediments, which hinders the progress in the implementation of the National Anti-corruption Strategy and the anti-corruption legislation<sup>3</sup>;
  - Assess the CNSDPO capacities and existing tools to check the efficiency of the anti-corruption legislation and monitor the implementation of the National Anti-corruption Strategy;
  - Conduct a round table to discuss and collect feedback on the draft Report, presenting the initial findings and recommendations to the members and staff of the CNSDPO.
- 1.5 Support the implementation of CNSDPO oversight function:
  - Provide expertise and assistance (develop agenda, informative note, list of questions) in organizing two fact finding field visits one to the National Anti-corruption Center and the Ministry

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<sup>1</sup> Based on the priorities listed in the Strategy: improvement of anti-corruption legislation and its operating mechanisms, including by means of parliamentary control; adjusting the legal framework in the light of the need to increase the efficiency of law enforcement and control bodies.

<sup>2</sup> During the preparation of report, Consultant shall meet with the key stakeholders: Members of Parliament, relevant Committees' staff, officials of the Executive (i.e. Ministry of Justice, Ministry of Interior, and National Anti-corruption Centre), National Integrity committee and other relevant partners. The final list of institutions will be developed in cooperation with the parliamentary CNSDPO.

<sup>3</sup> Law no 1104-XV of 06.06.2002 on the National Anti-Corruption Centre; Law no 90 of 25.04.2008 on Preventing and Combating Corruption; Law no 252 of 25.10.2013 on approval of the Regulation on the functioning of the system of anti- corruption call; Parliament's Decision no. 154 of 21.07.2011 on implementation of the National Anti-corruption Strategy 2011-2015; Parliament's Decision no 232 of 25.10.2012 on approval of the Strategy for Institutional Strengthening of the National Anti-Corruption Center; Law no 190 of 26.07.2007 on prevention and combating money laundering and terrorism financing

- of Internal Affairs, and one public hearing on implementation of the National Anti-corruption Strategy;
- Provide assistance to the International Consultant to conduct one-day training on scrutiny of legislation from anti-corruption perspective for parliamentary staff.

### III. Deliverables and Timeframe

Nr.	Deliverables	Tentative timeframe/deadline
1.	A detailed Work Plan developed	By 19 June, 2015
2.	Support the International Consultant to conduct the anti-corruption Self-Assessment process for the Parliament of the Republic of Moldova carried out	By 3 July, 2015
3.	A draft Report on the progress of implementation of the National Anti-corruption Strategy and the anti-corruption legislation	By 17 July, 2015
4.	Support in organizing two fact finding field visits of CNSDPO at the institutions responsible for anti-corruption and one public hearing organized	By 21 July, 2015
5.	Support to the International Consultant to Develop the Draft Code of Conduct for Members of the Parliament	
6.	One-day training on scrutiny of legislation from anti-corruption perspective for parliamentary staff provided in collaboration with the international consultant	By 21 September, 2015
7.	Analyse comments and suggestions regarding the draft Report on the effectiveness of anti-corruption policies and legislation. Complete and present the final Report	By 30 September, 2015

All communications and documentation related to the assignment will be in English or Romanian. The Parliament will provide consultant with working space, access to Internet, printer and telephone line. Before submission of the final report, the consultant will discuss the draft documents with the parties involved (i.e. Parliament, UNDP and other stakeholders) so that final products reflect their comments.

The timeframe for the work of consultant is tentatively planned through June – September, 2015.

**Management Arrangements:** The consultant will work under the guidance of international consultant and in close cooperation with the UNDP Parliamentary Specialist for substantive aspects of the assignment, and under the direct supervision of the UNDP Senior Project Officer – for administrative aspects. The consultant will report to the Parliament appointed representative and the Parliamentary Specialist of UNDP Democracy Programme.

The consultant will work closely with the Parliamentary senior management and parliamentary Committee on National Security, Defence and Public Order.

**Financial arrangements:** Payment will be disbursed in two instalments upon submission and approval of deliverables and certification by the Programme Manager following the receipt of the written note from the CNSDPO that the services have been satisfactorily performed.

### IV. Qualifications and skills required:

- I. Academic Qualifications:
  - Master's degree in Law.
- II. Experience and Knowledge:
  - At least 7 years of relevant professional experience in the field of governance and anti-corruption;
  - At least 2 years of working experience in designing and implementing anti-corruption assessments;
  - In-depth knowledge of national policies and legislation on anti-corruption;

- Experience in comparative analysis, research, assessment on the implementation of the anti-corruption legislation and policies;
  - Experience in organizing public hearings at the Parliament or Government level will be strong asset.
- III. Abilities:
- Strong analytical and drafting skills;
  - Ability to analyze, plan, communicate effectively orally and in writing, draft report, organize and meet expected results, adapt to different environments (cultural, economic, political and social).
  - Ability to engage stakeholders in anti-corruption efforts, including knowledge of informal and emerging actors as well as knowledge of cross-cutting governance and anti-corruption issues;
  - Fluency in Romanian and English.
- IV. Skills:
- Computer literacy and ability to effectively use office technology equipment, IT tools.

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

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

1. Proposal:
  - i. Explaining why they are the most suitable for the work including past experience in similar assignments;
  - ii. Providing a brief information on each of the above qualifications, item by item and a brief methodology on how they will approach and conduct the work (if applicable);
2. Financial proposal (in USD), specifying a fee per day and total requested amount including all related costs, e.g. fees, per diems, travel costs, phone calls etc.;
3. Duly filled in and signed Personal History Form (P11) and at least 3 names for a reference check.