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TERMS OF REFERENCE

- A. Job Title:** International Consultant for the Prosecutor General's Office of Moldova
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: Up to 230 working days during September 2015 – August 2016

F. Background:

In 2011 the Moldovan Parliament passed the Justice Sector Reform Strategy (JSRS) for 2011-2016 (JSRS). This is the main comprehensive strategic document dealing with justice reform, with the key objective of strengthening the independence, accountability, impartiality, efficiency and transparency of justice system. The Strategy is accompanied by an Implementation Plan (adopted in February 2012) which outlines strategic directions, actions to be carried out and preliminary implementation costs.

The Section 2.2 of the JSRS covers the activities needed to be undertaken in order to reform the Moldovan Prosecution Service. The JSRS encompasses a series of actions and among them the most important are the procedures of appointing the Prosecutor General, establishing improved procedures for the selection and promotion of line prosecutors, strengthening the capacity of the Superior Council of Prosecutors (SCP), simplifying the jurisdiction of the Prosecution Service, demilitarization of prosecutors and improving the overall disciplinary proceedings against prosecutors¹.

In July 2013, the Minister of Justice and the Prosecutor General created a working group comprising representatives of the Ministry of Justice (MoJ), Prosecutor General's Office (PGO) and civil society. The main objective of the working group was to develop the Prosecution Service Reform Concept and to draft amendments to the Law on the Prosecution Service in order to implement it. In July 2014, the Parliament has passed the Concept for the Reform of the Prosecution Service² - a road map for the amendment of Prosecution Service's legal framework and institutional reform.

The Concept provides for the limitation of powers of the Prosecution Service, consolidation of prosecutors' independence, strengthening the role of the Superior Council of Prosecutors, reviewing the procedure of appointing the Prosecutor General, the specialization of prosecutors to prosecute specific categories of cases and examining the possibility for creating specialized prosecution offices, improving the procedures of appointment, evaluation and accountability of prosecutors. In order to start the enactment procedure, Moldovan Parliament requested the opinion of the Council of Europe's Venice Commission on the draft law. In March 2015, the Venice Commission issued the Joint

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

² <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/2254/language/ro-RO/Default.aspx>

Opinion of the Venice Commission, the Directorate of Human Rights of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe and the OSCE/ODIHR on the draft law on the prosecution service of the Republic of Moldova. It is expected that the draft law will be adopted by the Parliament in the summer.

UNDP seeks a Long-Term International Legal Consultant for the Program to Support the Prosecution Service Reform in Moldova.

G. Objective:

The main objective of this consultancy is to provide the Prosecutor General's Office (PGO), Superior Council of Prosecutors (SPC) and regional prosecution offices with assistance in strengthening the capacities to design and implement activities primarily focused on legislative and institutional reform, organizational efficiency, anti-corruption, case management, etc. The Consultant will have the advantage of working side by side with beneficiaries, understanding problems first hand and offering practical advice and expertise.

The above mentioned objective will be achieved through but not limited to: inputs to development of internal strategic documents, policy papers, advisory notes, methodologies, draft fiches and other relevant documentation as well as provision of technical on-the-job advice, institutional and self-administration capacity building, ensuring the integrity and transparency of the institution.

H. Scope of work and expected outputs:

The person selected will work closely with the PGO, regional prosecution offices and the SCP to contribute to the implementation of the prosecution service objectives set by the new legislative changes on the prosecution service reform, which include the following areas of work:

- Assistance in the development and implementation of the new PGO and SCP Strategic Development Plan for the next three years;
- Assistance in the identification of policy and legislative priorities to ensure institutional and functional independence of the Prosecutor's service;
- Assistance in the development of the PGO's and regional prosecution offices' organizational charts with the aim to streamline the structure of the entire prosecution service, to identify and propose clear managerial roles and responsibilities for chief prosecutors, section and divisions heads, as well as to recommend actions/activities aimed at maximizing the effectiveness of prosecutors and of prosecution offices, and introduce training sessions on specific critical management techniques;
- Strengthen the institutional capacities of the beneficiary institution to design, manage and monitor policies;
- Provision of guidance and professional advice on how to improve the internal management system within the prosecution service, with an emphasis on assisting in development of and analyzing draft new internal management policies developed by PGO and SCP;
- Help to improve prosecutors' professional and managerial skills, through recommending relevant training curricula and mentorship for PGO's leadership and regional chief-prosecutors on subjects related to cases assignment; management of line prosecutors' workload, time management and quality control;
- Participation in revising the criteria of regular prosecutors' admission, appointment, promotion and professional evaluation;
- Supporting implementation of case assignment guidelines for chief prosecutors;

- Assist the PGO to implement the new Prosecutors' Code of Ethics;
- Write and edit regular reports, concept papers, and outreach pieces as needed;
- Undertake other related tasks for the purposes of the assignment.

I. Deliverables (tentative):

#	Deliverable	Indicative Timeframe
1.	Assistance in developing and implementing the new PGO and SCP Strategic Development Plan for the next three years provided	September 2015 – onward
2.	Assistance in identifying policy and legislative priorities to ensure institutional and functional independence of the Prosecutor's service provided	September-October 2015
3.	Inputs to streamline the structure of the entire prosecution service and to define internally the roles and responsibilities provided	November 2015
4.	Institutional capacities of the beneficiary institution to design, manage and monitor policies strengthened	December 2015
5.	Guidance and professional advice on how to improve the internal management system within the prosecution service provided	September 2015 – onward
6.	Help to improve prosecutors' professional and managerial skills provided	September 2015 – onward
7.	Participation in revising the criteria of regular prosecutors' admission, appointment, promotion and professional evaluation ensured, expert views provided	September 2015 – onward
8.	Support for the implementation of case assignment guidelines for chief prosecutors provided	January 2016 – onward
9.	Assistance to the PGO in the implementation of the new Prosecutors' Code of Ethics provided	February 2016 – onward
10.	Monthly progress reports submitted	By the 5 th day of each month
11.	Intermediary narrative report submitted	By 10 December 2015
12.	Final narrative report submitted	By 31 August 2016

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

J. Organizational Setting:

This is a full-time consultancy. The Consultant is required to have a substantial presence in Moldova according to the approved work plan. The work plan will be agreed with the counterpart, UNDP Moldova and the project management.

Prosecutor General's Office is the main beneficiary of this consultancy. The Consultant will be based within the premises of PGO. The Consultant will report primarily to the Prosecutor General of the Republic of Moldova, with a reporting line to UNDP Moldova and the project manager.

K. Inputs:

The PGO will provide the Consultant with working space, access to Internet, printer and telephone landline. The PGO and the Project staff will provide the Consultant with the information and materials

available for the fulfilment of tasks, facilitate meetings and provide other reasonable logistic support where necessary.

L. Confidentiality

Materials provided to the Consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

M. Qualifications and skills required:

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law or a relevant discipline in any other relevant field. A Bachelor's Degree in the same areas combined with 15 (fifteen) years of relevant professional experience will serve in lieu of Master's Degree;

II. Years and sphere of experience:

- At least 10 (ten) years of professional experience in the prosecution service of which at least 4 (four) years in management positions within the prosecution service. Experience in EU Member States or EU Candidate States in this positions would be an asset;
- Experience in diverse organizational operational cultures, from international or domestic experience;
- Experience in working on similar assignments, including successful experience in working with UN agencies, is a strong asset;
- Experience in analysing, generalizing, and systematizing information, and drafting studies;

III. Competencies:

- Strong demonstrable skills improving an office/organization's basic systems, operations, and management, ability to analyse both low- and high-level processes to identify areas for improvement;
- Strong managerial, administrative, and communication skills;
- Excellent communication presentation skills, and ability to facilitate discussions;
- Proven ability to work in a team;
- IT skills, including word processing, presentation software and use of other relevant applications;
- Demonstrated skills in knowledge transfer techniques, such as coaching and mentoring;
- Fluency in English
- Knowledge of Romanian language is a strong asset;
- Knowledge of one or more additional languages relevant for Moldova, including Russian, Bulgarian, Gagauzian, Romani, Ukrainian, or sign language is an asset;

IV. Personal qualities:

- 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;
- Responsibility, creativity, flexibility and punctuality.