

## TERMS OF REFERENCE

- A. Job Title:** **International consultant** on capacity and training needs assessment of corruption prevention and analysis functions of the National Anticorruption Center
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening the corruption prevention and analysis functions of the National Anticorruption Center (NAC)
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** up to 32 working days during September – December 2015

**F. Background:**

The National Anticorruption Centre of the Republic of Moldova is a central public administration institution. The Centre has the following responsibilities: prevention, investigation and counteraction of corruption and corruption related offences and crimes, as well as acts of corruptive behavior; carrying out anticorruption expertise of draft normative acts and other legislative initiatives presented in the Parliament, ensuring the assessment of corruption risks within public authorities through training and consultation, monitoring and analysis of data on corruption risks assessment and coordinating the development and implementation of integrity plans, integrity testing activities and establishing bi- and multilateral relations with similar agencies abroad.

NAC has a well-defined mandate for the prevention of corruption and is the institution responsible for the coordination of the implementation of the National Anticorruption Strategy (2011 - 2015). The Centre has the organizational, functional and operational independence granted by law and is independent in developing its work plan and in fulfilling its duties. The NAC is organizationally and institutionally qualified to lead on corruption prevention measures across the public sector and beyond.

The institution has managed to achieve particular results under its mandate – an increase in the imposition of sentences for corruption crimes, in the duration of sentencing to real jail time, in deprivation from the right to hold certain positions for public servants with the corrupted behaviors, and a significant increase of active corruption reporting by civil servants. NAC has visibly developed the collaboration with the civil society, achieved more transparency and openness, and pro-actively implements activities aiming at better informing the larger public on the consequences and costs of corruption, available tools for curbing, including reporting through a hotline and other means. In its public awareness activities NAC targets the young generation in particular. Though the improvements in the corruption prevention activity of NAC are visible and recognized and corruption prevention and analysis are priorities for NAC according to its Strategic Plan, the capacities of the institution in these areas are still underdeveloped for the effective implementation of the function as highlighted also in the 2014 NAC Annual Report. The Institutional development of the NAC has suffered from a series of re-organizations that have not allowed sufficient time to consolidate certain processes and operating procedures.

The General Division for Preventing Corruption (GDPC) carries out the mission to prevent corruption and to develop strategic policies with the aim to curb this phenomenon, and performs several core functions: assists other organizations in carrying out corruption risk assessments; performs the review of legislation in order to identify vulnerabilities that may facilitate corruption (anticorruption proofing), deals with awareness raising

and training activities, performs integrity testing and develops cooperation between the Centre, similar structures abroad and international organizations. The Directorate has 40 officers. While measurable achievements can be traced in all the functions that are carried out, there is a visible need to step up in the promotion of socially oriented preventive measures: public awareness, including through education and application of innovative tools, public trust, and public demand and support. At the same time, it is necessary to intensify the process of increasing transparency in some areas which are of crucial importance for the fight against corruption, such as the public procurement, declarations of incomes and assets, incompatibilities and corruption risk assessment in public institutions and elaboration and implementation of integrity plans.

The Corruption Analysis Unit is a structural subdivision within the central apparatus of the NAC established in 2013 as a result of the institutional reform, in view of consolidating the function that was scattered across various departments in the previous structure. Currently it is comprising 10 staff members and is subordinated to the Director of the Centre. The mission of the division is to conduct multilateral analysis of the models, trends and criminal situation on corruption offences, corruption related offences, as well as on acts of corrupt behavior. The division performs strategic and operational analysis. CAU. Considering its novelty and the broadness of understanding of the corruptin phenomenon, the unit is in need of capacity development.

Strengthening the corruption prevention and analysis functions of the National Anticorruption Center (NAC) project implemented by UNDP in partnership with the NAC and funded by the Government of Norway aiming at enhancing the corruption prevention and analysis functions of the NAC, intends to engage an international consultant that working in a team with a national consultant will carry out the capacity and training needs assessment of the General Division for Preventing Corruption (GDPC) and Corruption Analysis Unit (CAU) of the NAC using the ***UNDP Methodology for Assessing the Capacities of Anti-Corruption Agencies to Perform Preventive Functions<sup>1</sup>*** and based on the conducted analysis of the capacity assets and gaps, will design a comprehensive capacity building programme.

#### **G. Objective:**

The main objective of the assignment is to develop an effective and comprehensive Capacity Development and Training Plan for the NAC corruption prevention and analysis units.

#### **H. Strategy:**

The consultant will apply UNDP Methodology for Assessing the Capacities of Anti-Corruption Agencies to Perform Preventive Functions. The assignment will consist of two missions. The first mission (tentatively scheduled to take place on 5 – 16 October 2015) will involve the review of relevant background documents, materials, and reports prior to and during the mission, focus group discussions involving officials and staff members, and in-depth interview with key officials and heads of units. It may also include interviews and/or focus group discussions with key external partners to discuss possible solutions based on their familiarity and knowledge of the NAC. A functional and skills assessment questionnaire will also be rolled out to identify critical success factors as well as learning needs for various positions in the units. The second mission, which will be undertaken at least two weeks after the first mission, will involve the presentation of the capacity assessment report, its validation, and discussion of the recommendations for the capacity development/training plan. The capacity development/training plan will be submitted to the NAC after the second mission. The international consultant will work in a team with a national consultant.

#### **I. Scope of work and expected outputs:**

The consultancy will have two major outputs:

- (1) Training needs and capacity assessment report;
- (2) Capacity Development/training plan.

In order to achieve the objective, the expert shall:

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<sup>1</sup> The methodology can be downloaded at:

[http://europeandcis.undp.org/uploads/public1/files/Methodology\\_for\\_Assessing\\_the\\_Capacities\\_of\\_Anti\\_Corruption\\_Agencie\\_s\\_to\\_Perform\\_Preventive\\_Functions.pdf](http://europeandcis.undp.org/uploads/public1/files/Methodology_for_Assessing_the_Capacities_of_Anti_Corruption_Agencie_s_to_Perform_Preventive_Functions.pdf)

- Carry out a desk review of the background documentation related to the assignment, including the legal acts reflecting the mandate and functions of the NAC and its Corruption Prevention and Corruption Analysis Units, National Anticorruption Strategy, NAC Institutional Development Plan, NAC progress reports for the past years, and other, as relevant for the assignment; Draft the Activity Plan for the assignment, including the tasks for the national consultant;
- Identify the focus group(s), develop the questionnaires for individual and focus groups interviews and organize the focus group sessions and individual interviews to evaluate the needs and formulate the recommendations;
- Carry out the detailed review of current performance indicators and their effectiveness and propose necessary adjustments aiming at enhancing the performance evaluation process to take into consideration the capacity development efforts of staff with relevant indicators and to include incentive measures for staff to undertake training and engage into the capacity development activities;
- Present the draft assessment report with detailed recommendations to be used in building up an efficient Capacity Development and Training Plan to NAC and UNDP Moldova, discuss it with the focus group(s) and other identified stakeholders and factor in the received feedback;
- Draft the Capacity Development/training Plan;
- Present the final assessment report and plan to NAC and UNDP Moldova.

#### **I. Deliverables:**

#	Deliverable	Deadline
1.	Activity Plan for the assignment, including the tasks for the national consultant	2 October 2015 (up to 2 working days)
2.	Draft Capacity and Training Needs Assessment Report, including the list of consultation meetings, the questionnaires used and the recommendations for enhancing the performance management process	30 October 2015 (up to 20 working days, including 10 days on mission)
3.	Draft Capacity Development/Training Plan	15 November 2015 (up to 5 working days)
4.	Final Capacity and Training Needs Assessment Report and Capacity Development/Training Plan	5 December 2015 (up to 10 working days, including 5 days on mission)

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

Payment will be made upon the successful completion of the task assigned and submission of the assessment report.

#### **J. Organizational Setting:**

This is a part-time consultancy. The expert will work in a team with a national consultant and in close collaboration with the management and staff of the National Anticorruption Centre. The expert will work under direct supervision of UNDP Project manager for administrative issues.

#### **K. Inputs:**

The National Anticorruption Centre and UNDP Moldova will provide the expert with the necessary information and materials for the fulfilment of tasks and will provide support with the facilitation of meetings and translation/interpretation services where necessary.

#### **L. Qualifications and skills required:**

##### **I. Academic Qualifications:**

- Master's Degree in Law, International Public Law, International Relations or other relevant field or Bachelor's Degree in Law, International Public Law, International Relations or other relevant field combined with minimum 7 years of experience;

II. Years and sphere of experience:

- At least 5 years of professional experience in consultancy in the area of capacity development and proven experience in the anticorruption field;

III. Competencies:

- Proven extensive knowledge on the phenomenon of corruption, efficient mechanisms for its combating and prevention; Past experience in working with anticorruption agencies will be an asset;
- Practical experience in conducting capacity development and training needs assessment; knowledge of the UNDP Methodology for Assessing the Capacities of Anti-Corruption Agencies to Perform Preventive Functions is a strong advantage;
- Extensive demonstrated experience in drafting capacity development/training plans for civil servants, including related performance indicators; experience in implementing similar assignments in the newer EU Member or Candidate States will be an asset ;
- Effective communication and strong analytical skills;
- Previous successful experience of working with UN agencies is an advantage;
- Knowledge of English; knowledge of Romanian or Russian languages will be 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;
- Flexibility;
- Punctuality.