



*Empowered lives.
Resilient nations.*

TERMS OF REFERENCE

Job Title: National consultant to support Moldova Social Innovation Hub (MiLab), in elaborating legal framework for the online-platform “Be Responsible”

Type of Contract: Individual Contract (IC)

Duty Station: Chisinau, Moldova

Expected workload: up to 30 working days

Expected duration of assignment: November-December 2015

BACKGROUND

There is a fast shift taking place in the realm of public policy and development program design around the world. Rise of democracy, spread of new technologies and knowledge, but also shrinking resources of the public and development organizations in the face of increased complexity and interconnectedness of the social challenges, mean that design and implementation of public policies and development programs has seized to be under the exclusive remit of the selected few.

Along with the opening up of the public policy space, the rise of civic activism have changed the way the Governments approach public policy development, service delivery and engage with the citizens. The Government has increasingly looked to tap into expertise and solutions from other sectors and wants to move towards ‘networked governance’ solutions to the issues it faces daily.

UNDP Moldova itself, through MiLab - joint project with the E – Government Centre, has supported national counterparts in embarking on several innovative projects that seek to apply new approaches to engage with citizens and enable people to contribute stronger to the country’s development. Some previous examples include: gaming for youth employment; applying behavioural insights for TB treatment; Modern School Open Challenge, etc.

MiLab acts as a multilateral platform serving to engage actors from different sectors (public, private, non-profit, etc.) to seek and experiment with innovative approaches to the society’s problems. Its work is structured around three interlinked components, i.e. public services redesign, applying people’s solutions, and mainstreaming social innovations. The public participation component includes creating the channels or outlets for engagement, setting the rules, specifying the issues that would engage people to participate in

solving them. Also screening the horizon, and subsequently connecting social innovation initiatives with government and private sector counterparts that could enable the implementation of those initiatives.

Under this component falls the online-platform “Be Responsible” which aims to engage citizens into the reporting of the shadow economy cases contributing to the effective action of competent state bodies.

Shadow economy endangers fiscal discipline and budgetary revenues, whereas it also negatively affects fair competition and functioning of the market. The shadow economy in Moldova (2013) represents more than 44% of GDP . This figure includes: underground economy (avoidance of the payment of social security contributions, avoidance of payment on income, value-added, and other taxes; violation of labour standards regulations), informal economy (unregistered enterprises, or unlicensed activities, violation of labour standards regulations), household production for own final use, illegal production (trade with illegal goods, smuggling, illegal services).

Citizen engagement in the fight against shadow economy is crucial for success. Online-platform “Be Responsible” relies on technology whereby users will submit report and as “citizen reporters” contribute to the effective action of competent state bodies. The platform will be designed with the aim of curbing shadow economy by ensuring the maximum possible civic participation in reporting and creating indispensable linkages between the public sector and civil society. Initially, the platform encompasses the activities of 2 institutions – State Tax Service and Consumers Rights Protection Agency. Thus far, the following forms of shadow economy are selected as top priorities for reporting (but not limited):

- Non-issuance of fiscal receipts
- Expired products
- Absence of information in state language on the goods
- Difference between the price shelf-cashbox
- Metrological deception/fraud (e.g. underweight)

OBJECTIVES AND EXPECTED DELIVERABLES OF THE ASSIGNMENT

The **national consultant** is expected to provide support to MiLab, in close collaboration with State Tax Service and Consumer Protection Agency, in elaborating legal framework for the online-platform “Be Responsible” through:

- Analysing current national legal framework which can affect the functioning of the online-platform “Be Responsible”;
- Elaborating internal regulations establishing legal basis for the functioning of online-platform “Be Responsible” as an integral part of the State Tax Service activities;
- Elaborating internal regulations establishing legal basis for the functioning of online-platform “Be Responsible” as an integral part of the of the Consumer Protection Agency activities;
- Elaborating legal regulations providing personal data protection of the platform’s users;
- Communicating with IT contractor, state institutions and key stakeholders.

Key deliverables:

Deliverables	Deadlines
Internal regulations for the functioning of online-platform "Be Responsible" within the State Tax Service (up to 10 w/d)	By end of November, 2015
Internal regulations for the functioning of online-platform "Be Responsible" within the Consumer Protection Agency (up to 10 w/d)	By end of November, 2015
Regulations of online-platform "Be Responsible" providing personal data protection of the platform's users (up to 10 w/d)	By the beginning of December 2015

SKILLS AND EXPERIENCE REQUIRED**I. Education:**

- University degree in law, public administration, international relations/development studies;

II. Years of experience:

- At least three (3) years of experience in legal drafting (e.g. laws, governmental decisions, internal regulations of public institutions, etc.);
- At least three (3) years of experience in working with Moldovan central public administration institutions
- Working experience in the field of personal data protection would be an advantage;
- Previous experience in development assistance or related work for a donor organization, governmental institutions, NGO/think-tank or private sector / business consulting firm is a strong advantage;
- Previous experience in working within UNDP or other international organizations will be an asset.

III. Competencies:

- Fluency in both oral and written Romanian and Russian is a must; knowledge of English is a strong advantage.
- Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;
- Proven knowledge of Moldovan legal framework;
- Understanding of Moldovan tax administration system;
- Understanding of Moldovan consumer rights protection mechanism;
- Proven knowledge of personal data protection legal framework (would be an asset).

IV. Personal qualities:

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Excellent organizational skills;
- Problem solving skills and result orientation;
- Responsibility;

- Flexibility.

PERFORMANCE EVALUATION

Contractor's performance will be evaluated against timeliness, responsibility, initiative, communication, accuracy, and overall quality of the delivered products.

ORGANIZATIONAL SETTING

The consultant will work under the supervision of MiLab Research Officer. Will meet with the project team twice per week and will provide a be-week report on the work progress. Otherwise the communication will be conducted via email and phone.

FINANCIAL ARRANGEMENTS

Payments will be disbursed in several instalments, upon submission and approval of deliverables, and certification by UNDP Moldova Policy Specialist, that the services have been satisfactorily performed.