



TERMS OF REFERENCE

- A. Job Title:** **A team of two local consultants** to support the National Anticorruption Centre (NAC) in drafting of a Methodology and Guide for public agents on reporting corruption, gifts and undue influences
- 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:** October – December 2016, up to 20 working days

F. Background

The National Anti-corruption Strategy 2011-2015, currently in force, provides for the encouragement of the corruption disclosure. Since December 2013, the mandatory character of reporting corruption and corruption related acts by public agents has been regulated by the Law 325 on the Professional Integrity Testing, which after the most recent 2016 amendments became the Law on the Institutional Integrity Assessment, and the Government's Decision no.767 from 19.09.2014 for implementing the Law, setting the procedure on reporting corruption and undue influences.

The gifts regime, until recently, was regulated by the Law no. 16/2008 regarding the Conflict of Interests, the Law no 25/2008 on the Code of conduct of the civil servant and the Government Decision no.134 of 22 February 2013. Starting with 15 of June 2016, along with the adoption of the Law no. 133 on assets and interests declaration, the above mentioned Law no. 16/2008 on conflict of interests was abolished. However, the provisions regarding the gifts declaration and liability for non-declaring have not been included in the new law but are one of the integrity standards mentioned in the Law on the Institutional Integrity Assessment.

Despite adoption of the regulatory framework, the lack of a clear methodological support and guidance on reporting corruption acts, gifts and undue influences, as well as frequent legislative amendments in a relatively short period of time creates confusion in understanding by public agents of the exact procedures to be applied in each of cases and causes perpetuation of corruption and corruption related incidents in civil service. In many cases this lack of clarity is used by civil servants to justify non-reporting of corruption incidents.

Despite thematic trainings offered recently to public agents from various public institutions, NAC found during its internal evaluations that the majority of public agents still don't know how to report correctly a corruption incident due to the lack of a uniform and clear procedure of reporting. At the same time a recent research launched by the UNDP-Moldova at the beginning of 2016¹ conducted in three central public

¹ http://www.md.undp.org/content/moldova/en/home/library/effective_governance/impact-of-corruption-on-womens-career-development-opportunities/

institutions revealed that 65.7% of the civil servants who participated in the survey said they did not know about the value of a symbolic gift that a public official can lawfully accept, 7.4% gave a wrong value and only 26.9% of respondents knew the limit of the symbolic value of a gift.

In the context of the most recent legislative evolutions in the field – adoption of the Law on the Institutional Integrity Assessment on 26.05.2016 and adoption in the first reading of the Integrity Law, providing for the liability of public agents to report corruption acts, gifts and undue influence, there is a need to develop a uniform methodology and guide for these procedures to ensure effective implementation of the mentioned legal provisions.

To support NAC in strengthening its corruption prevention functions, UNDP-Moldova through its project *Strengthening the corruption prevention and analysis functions of the NAC* financed by the Norwegian Ministry of Foreign Affairs seeks to contract a team of two local consultants to develop a methodology and guide on reporting corruption acts, gifts and undue influences.

G. Objective:

Main objective of the assignment is to develop a methodology and guide for public agents on reporting corruption acts, gifts and undue influences.

H. Key Responsibilities:

- In close collaboration with the National Anticorruption Centre, to analyse and review the existing legal provisions on reporting corruption acts, gifts and undue influences;
- Based on the national legislation and best international practices develop a methodology and guide for public agents on reporting corruption acts, gifts and undue influences, including but not limited to:
 - Definition of the key notions, including corruption acts, undue influence, symbolic gifts, presents provided as sign of politeness or received with the occasion of certain protocol actions (admissible gifts), other relevant definitions;
 - Exact procedures for reporting each of the referred cases for each specific category of public agents;
 - Obligations of public agents and managers of public entities related to reporting corruption acts, gifts and undue influences;
 - Regime of keeping the registers for the evidence of the each of the referred category;
- Validate findings of the report and recommendations with NAC and main stakeholders.

I. Deliverables:

#	Deliverable	Deadline
1.	Draft methodology and guide on reporting corruption acts, gifts and undue influences submitted	7 November 2016
2.	Final methodology and guide on reporting corruption acts, gifts and undue influences submitted and validated with the main stakeholders	28 November 2016
3.	Final report on the assignment describing how the work was done, including the list of people met, capacity development assistance provided to NAC, public discussions and presentations, etc., submitted	1 December 2016

Deliverables and timeline can be amended or specified for the purpose of the assignment, depending on the contract signing date.

Payment will be made in one or two instalments upon the successful completion of the tasks assigned.

J. Organizational Setting:

This is a part-time consultancy. The expert will work 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.

Qualifications and skills

I. Academic Qualifications:

- A Masters' Degree (or the equivalent of 5 years education) in Law, Public Administration or other relevant field. PhD is an asset;

II. Years of experience:

- At least 5 years of proven experience of working in judiciary, justice and/or law enforcement system or providing consultancy for judiciary and/or law enforcement system;
- At least 2 assignments related to anti-corruption procedures and/or integrity in civil service.

III. Competencies:

- Proven knowledge of the anti-corruption legislation of the Republic of Moldova and international anti-corruption standards, demonstrated by previous assignments;
- Excellent knowledge of the Criminal and Contravention legislation of Moldova demonstrated by previous assignments;
- Previous experience in developing guides and methodologies related to procedures in civil service;
- Proven report writing and analytical skills;
- Previous successful experience in working with international organizations, including UN agencies is an asset
- Fluency in Romanian, Russian and English for the purpose of assignment

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.

Documents to be included when submitting the proposals:

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

1. Proposal: explaining why they are the most suitable for the work and providing a list of relevant publications and a brief methodology on how they will approach and conduct the work;
2. Financial proposal in lump sum, USD;
3. Personal CV including past experience in similar assignments, the duly filled Personal History Form (P11) and at least 3 names for a reference check.