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TERMS OF REFERENCE

Job title:	National Legal Expert to support the harmonization of the electoral legal framework governing political parties financing
Duty station:	Chisinau, Republic of Moldova
Reference to the project:	Enhancing Democracy in Moldova through inclusive and transparent elections (EDMITE)
Contract type:	Individual Contract (IC)
Expected workload:	65 working days
Indicative timeframe:	March – December 2018

1. Background:

“Enhancing democracy in Moldova through inclusive and transparent elections” (EDMITE Project) is a Project that sets the overall goal to achieve an enhanced transparency and inclusiveness of the electoral process in Moldova through a modernized IT system, improved legislation and intensified public participation, addressing the root causes of the current challenges hampering the further development of the democracy and the advancement of the electoral process in the Republic of Moldova. During 2012 – 2017, UNDP offered support to the Central Electoral Commission (CEC) in the areas of gender equality and human rights, institutional capacity development, further development and use of the modern and innovative State Automated Information System “Elections” (SAISE), strategic development of the Center for Continuous Electoral Training (CICDE), political party finance legislation implementation and a transparent electoral reform processes. Moreover, substantial steps were taken in addressing challenges to the electoral process related to the data quality and data exchange possibilities among key registers owned by different government institutions.

During 2017 – 2019, the EDMITE Project aims to contribute to: (1) achieving a more accurate State Register of Voters (SRV), improving the quality and accessibility data by re-engineering the Civil Status Service (CSS) systems, fully developing the State Address Register and facilitating data exchange and interoperability between different central public institutions via governmental platform for data exchange MConnect; (2) enhancing the inclusiveness of the electoral process through developing a remote voting tool and adjusting the State Automated Information System “Elections” to keep up with the technical and political developments; (3) legal reform in the area of elections to erase ambiguities and respond to the technical developments; and (4) enhancing political participation of citizens by setting up and implementing the voter information and civic education programs.

One of the main factors to ensure the integrity of the electoral process is the consistency of the overall legal framework, as well as the exclusion of ambiguities and contradictory interpretations in the law. Due to an ongoing cycle of electoral processes in the last four years (2014, 2015, 2016 Elections and 2017 Referendum), not only technical adjustments were difficult, but also comprehensive legal adjustments of the overall electoral framework were only undertaken on an ad-hoc basis and currently require consolidated revision.

Moreover, with the adoption of the new provisions of the Law on Political Party Finance which have entered into force in January 2016, the CEC was entrusted with a new responsibility. The Law established the Central Electoral Commission as the competent oversight body, responsible for the monitoring and analysis, from a quantitative and qualitative point of view, of both national and local election campaign financing as well as political party financing in general. In this sense, with EDMITE Project support, the CEC is currently developing an IT based Reporting and Disclosure Module for political party and campaign finance reporting processes.

To undertake a consolidated revision of the legal framework and to address the new responsibilities of the CEC in the field of political party financing, a specialized legal support is needed to assist with the harmonization of standing laws and regulations, including adjustments of political party finance regulations in accordance with the new IT based Reporting and Disclosure Module.

2. Objectives:

The Project intends to contract an experienced National Legal Expert (hereafter the Consultant) to provide the CEC with the necessary specialized support in the adjustment and harmonization of the electoral legal framework, with emphasis of the Law on Political Party Finance. Specifically, the Consultant will:

- Review the relevant laws and existing electoral legal framework (Law on Political Party Finance, Law on SAISE Concept, Data Security legislation, the Law related to the gender quota on political party candidates lists), CEC regulations and other available documentation;
- Assess the Moldovan electoral legal framework governing the funding of political parties and electoral campaigns to identify all ambiguities, inconsistencies and gaps;
- Provide a set of corresponding recommendations and an Action Plan based on assessment findings;
- Develop a set of draft amendments to the existing CEC regulations related, but not limited to the implementation of SAISE adjustments and its new modules (Reporting and Disclosure Module) in the context of the 2018 Parliamentary Elections, considering the gender equality provisions of the current electoral framework and other relevant legislative acts;
- Assist CEC through the provision of expert advice on the adjustment and harmonization of the overall election-related regulatory framework, including from the gender and human rights perspectives.

3. Key deliverables and tentative timetable:

No	Key deliverables	Tentative Deadline
1.	Work Plan - developed and submitted for approval	by 5 April 2018 2 WDs
2.	Assessment of the Moldovan electoral legal framework governing the funding of political parties and campaigns – finalized and set of findings submitted.	by 20 April 2018 10 WDs
3.	Set of Recommendations on harmonization of the Moldovan electoral legal framework governing the funding of political parties and campaigns and an Action Plan for their implementation, drafted and submitted for approval.	by 4 May 2018 5 WDs
4.	Set of Amendments to the existing CEC regulations related, but not limited to the implementation of SAISE adjustments and its new modules (Reporting and Disclosure Module) in the context of the 2018 Parliamentary Elections, considering the gender equality provisions of the current electoral framework and other relevant legislative acts – finalized and submitted for approval.	by 25 June 2018 21 WDs
5.	Expert advice to CEC on the adjustment and harmonization of the overall election-related regulatory framework, including from the gender and human rights perspectives - provided.	by 30 November 2018 25 WDs
6.	Final Activity Report, including quantitative and qualitative data and information on the stages passed, resources used, results obtained versus expected, impact of obtained results, risks overcome, problems faced, lessons learned, conclusions and next stage recommendations - submitted and approved by the Project. <i>Note: the Report should comprise specific findings and recommendations on gender and human rights aspects.</i>	by 5 December 2018 2 WDs

Note: Deliverables and the final timeline can be amended or specified for the purpose of the assignment. All deliverables should be agreed with CEC and the Project and be provided in Romanian hard and electronic copy. Payment will be made upon the successful completion of the tasks assigned.

4. Administrative arrangements

The timeframe for the work of the Consultant is planned for the period March 2018 – December 2018. During this time the Consultant is expected to work a total of 65 working days.

The assignment shall be performed in close coordination with the CEC Management and under the direct supervision of the UNDP Electoral Specialist and Senior Project Officer. For administrative aspects, the assignment will be coordinated with the UNDP Senior Project Officer.

The CEC will provide the Consultant the necessary information and materials for the fulfilment of the assignment. The Consultant will not be provided office space in the premises of the CEC, but will be invited for meetings, discussion and drafting sessions, as required.

UNDP Project will provide administrative and logistical support in organization of the necessary meetings and/ or consultations, including with the participation of women and men with different types of disabilities, linguistic minorities, other targeted and vulnerable groups.

Deliverables will be approved by the designated CEC representative and UNDP Project.

Payments will be done in multiple tranches upon total completion and approval of the deliverables and the submission of timesheets with the indication of the activities for each day worked (including Delivery Progress Reports).

5. Qualifications and Skills required

Academic Qualifications:

- Bachelor's degree or higher in Law, Public Administration or another relevant field.

Experience:

- At least 3 years of professional experience in dealing with analysis and/or drafting of national legal and regulatory acts;
- At least 2 years of experience in working with Moldovan public institutions;
- Proven experience in drafting normative acts in electoral area will be a strong asset;

Competencies:

- Demonstrated knowledge of electoral legislation of Moldova;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Excellent research and analytical skills;
- Demonstrated strong understanding of advanced elections related technologies, international electoral processes and principles;
- Understanding of gender equality principles, including gender dimensions pertaining to the mixed electoral system and other related legal acts;
- Knowledge of Romanian and Russian (verbal and written) is a must. Knowledge of English will be considered as an advantage.
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language will be a strong advantage.

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;
- Responsibility, creativity, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.

The UNDP Moldova is committed to workforce diversity. Women and men, persons with different types of disabilities, LGBTI, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

6. Documents to be included when submitting proposals:

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

- Proposal: explaining why they are the most suitable for the work including previous experience in similar Projects (*please provide brief information on each of the above qualifications, item by item*);
- Financial proposal (*in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.*);
- Duly completed and signed Personal History Form (P11), personal CV and at least 3 references.

Note: Please, refer to the Individual Procurement Notice of this recruitment for a more detailed information on the application and selection process.