

## TERMS OF REFERENCE

<b>Job title:</b>	National Legal Expert to support the enhancement of the electoral legal framework
<b>Duty Station:</b>	Republic of Moldova, Chisinau
<b>Reference to the project:</b>	Enhancing democracy in Moldova through inclusive and transparent elections
<b>Contract type:</b>	Individual Contract (IC)
<b>Contract duration:</b>	November 2019 – March 2020 (up to 60 working days)
<b>Starting date:</b>	04 November 2019

### 1. BACKGROUND

Enhancing democracy in Moldova through inclusive and transparent elections" (*hereinafter "the 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.

The long-standing partnership between the Central Electoral Commission (CEC) and UNDP resulted in the establishment of a strong professional institution, able to provide transparent and inclusive democratic elections. With UNDP support, the CEC managed to enhance the electoral process in the Republic of Moldova through the development of the modern and innovative State Automated Information System "Elections" (SAISE).

A distinct thematic focus of the Project is to enhance the awareness on political participation and electoral processes via a series of multi-layered interventions. The Project supports the CEC and the Centre for Continuous Electoral Training (CICDE) in designing and implementing large-scale civic education and voter information programmes, offers strategic communication expertise and facilitates other activities as to generate a positive change and deliver tailored information to a wide spectrum of target groups (including women, youth and first-time voters, ethnic and linguistic minorities, diaspora, people with disabilities, etc.).

The Project objectives are:

- ✓ Achieve a more accurate State Register of Voters, improve the quality and accessibility of electoral data and facilitate the interoperability between central public institutions;
- ✓ Enhance the inclusiveness of the electoral process by increasing the functional and technical capacities of the State Automated Information System "Elections" (SAISE);
- ✓ Support the advancement of the legal reform in elections, particularly to the implementation of the political party finance legislation;
- ✓ Enhance the political participation of citizens by setting up and implementing the voters' information and civic education programmes.

One of the main factors to ensure the integrity of the electoral process is the consistency of the overall legal framework, which has been consecutively adjusted throughout 2019.

Among the most recent major updates to the electoral framework are the revised CEC Regulation on political parties financing and the series of amendments to the Electoral Code (reflecting the reintroduction of the proportional electoral system and the adjustment of the provisions for donations and gender quota).

### 2. OBJECTIVE AND EXPECTED OUTPUTS

The Project intends to contract a National Legal Expert (*hereinafter "the Consultant"*) to provide the CEC with the necessary specialized support to prepare a package of legal amendments necessary for the harmonization of the electoral legal framework, with emphasis on personal data protection, accessibility and transparency. She/he is expected to:

- Assess the existing electoral legal framework, including the Electoral Code, CEC regulations and other relevant documents. With respect to the Electoral Code, the main focus of the Consultant's support will be related particularly, but not limited, to the following chapters:
  - ✓ Chapter 4. Material support of elections and financing of electoral campaigns;

- ✓ Chapter 5. Voters' lists;
- ✓ Chapter 6. Nomination and registration of candidates;
- ✓ Chapter 7. Electoral campaign;
- ✓ Chapter 11. Elections observation and media coverage;
- ✓ Chapter 12. Judicial proceedings.

- Based on the assessment findings, develop a set of corresponding draft recommendations for the harmonization of the electoral legal framework, as well as a draft Action Plan for their implementation;
- Plan and conduct a series of consultation meeting(s), workshop(s) and/or roundtable(s) with the CEC management and other relevant stakeholders, where relevant;
- Evaluate and incorporate the final comments and suggestions in the final version of the recommendations and Action Plan for their implementation – for their subsequent review and approval by the CEC;
- Assist the CEC through the provision of expert advice on the adjustment and harmonization of the overall election-related regulatory framework, including from the perspective of personal data protection – as to meet international standards and practices.

### 3. KEY DELIVERABLES AND TENTATIVE TIMETABLE\*

Key deliverables	Tentative Deadline
Work Plan – developed and submitted for approval	by 8 November 2019 2 WDs
Assessment of the existing electoral legal framework, including the Electoral Code ( <i>particularly chapters 4-7 and 11-12</i> ), CEC regulations and other relevant documents – completed and main findings submitted for approval	by 09 December 2019 10 WDs
Set of draft recommendations for the harmonization of the electoral legal framework, as well as a draft Action Plan for their implementation – developed	by 24 January 2020 20 WDs
Series of consultation meeting(s), workshop(s) and/or roundtable(s) with CEC management and other relevant stakeholders - planned, conducted and evaluated	by 12 February 2020 4 WDs
Final recommendations and Action Plan on harmonizing the electoral legal framework developed after the incorporation of final comments and suggestions – submitted for approval	by 28 February 2020 12 WDs
Expert advice to CEC on the adjustment and harmonization of the overall election-related regulatory framework, including from the gender, human rights and personal data protection perspectives – provided	by 16 March 2020 10 WDs
Final Activity Report, incl. data and information on the stages passed, results obtained versus expected, impact of obtained results, conclusions and next stage recommendations – submitted and approved by the Project.	by 20 March 2020 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 Management and the UNDP Project and be provided in Romanian hard and electronic copy. Payment will be made upon the successful completion of the tasks assigned.

### 4. INSTITUTIONAL ARRANGEMENTS

The timeframe for the work of Consultant is planned for November 2019 – March 2020.

The assignment shall be performed in close coordination with the CEC Management and under the direct supervision of the UNDP Project Manager.

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, discussions and drafting sessions, as required.

The 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, if relevant.

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

### 5. FINANCIAL ARRANGEMENTS

Payments will be disbursed in several instalments upon the submission and approval of deliverables and of the corresponding activity timesheets / delivery progress reports.

Deliverables and reports will be approved by the UNDP Project.

## **6. QUALIFICATIONS AND SKILLS REQUIRED**

### **Academic Qualifications:**

- Bachelor's degree or higher in Law.

### **Experience and knowledge:**

- At least 5 (five) years of professional experience in comparative analysis and drafting of national legal and regulatory acts;
- A proven similar assignment related to the adjustment of the Moldovan electoral legal framework will be a considerable asset;
- Previous professional experience in working with the Central Electoral Commission will be a considerable asset;
- Previous professional experience in working public institutions of the Republic of Moldova and/or international organizations, including UN Agencies, will be an asset;
- Previous professional experience in assignments related to personal data protection will be an 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 electoral system and other related legal acts;
- Knowledge of Romanian (verbal and written) is a must. Knowledge of English and/ or Russian languages will be considered as an 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, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.

*The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic 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.*

## **7. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:**

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

- ✓ Offeror's Letter confirming Interest and Availability;
- ✓ 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.*);
- ✓ Fully 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.