



## TERMS OF REFERENCE

<b>Job title:</b>	International consultant to enhance the collaboration and uniform approaches within the system of forensic institutions of the Republic of Moldova
<b>Duty station:</b>	Chisinau, Moldova
<b>Reference to the project:</b>	“Strengthening Efficiency and Access to Justice in Moldova” Project
<b>Contract type:</b>	Individual Contract (IC)
<b>Expected duration of the assignment:</b>	April 2021 – October 2021 ( <i>up to 70 working days</i> )
<b>Starting date:</b>	23 April 2021

### I. Background

The UNDP project “Strengthening Efficiency and Access to Justice in Moldova” (A2J) is a multi-year institutional development project designed to contribute to an increased efficiency of justice services and to improved access to justice of men and women in Moldova, in particular from vulnerable and marginalized groups, through enhanced capacities of forensic institutions to provide qualitative justice services, strengthened capacities of the justice sector actors in the selected pilot areas to provide coordinated response to men’s and women’s justice needs and strengthened civil society able to claim the respect of rights and engage in a constructive dialogue with the justice chain actors. Project interventions will offer and encourage equal opportunity for the participation of men and women.

Although important efforts have been deployed at national level during the last years to advance the efficiency, transparency, fairness and accessibility of the justice sector, improvement is further required to ensure coherent coordination among law enforcement, security and justice institutions for effective administration of justice, so that men and women, particularly from marginalized or minority groups, are able to claim their rights and access justice effectively.

The system of forensic institutions<sup>1</sup> is an integral part of the justice system. The expert conclusions provided by these institutions are critical for the objective and evidence-based delivery of justice. The quality and accuracy of forensic investigations and examinations have an extensive impact on the

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<sup>1</sup> The system of forensic institutions includes public institutions of judicial expertise and private forensic experts’ bureaus. In line with the art.65 para.(2) Law no. 68/2016 on the Judicial Expertise and the Status of Judicial Expert, the system of public institutions of judicial expertise includes the specialized institutions of the Ministry of Justice and the Ministry of Health, Labor and Social Protection, the operative technical-forensic subdivisions or judicial expertise of the Ministry of Internal Affairs and the National Anticorruption Center. The state can also create other public institutions of judicial expertise.

quality of justice and affect the overall perception of users about the justice system.

A well-established forensic infrastructure, compliant with the international quality standards, with better capacities of the experts, more transparent and efficient institutional processes, standardization in line with the ISO requirements and automation of internal workflows is crucial for the ability of forensic evidence to adequately put the case under review at all stages of the judicial process. Despite their importance for the administration of justice, forensic institutions benefited from limited assistance and support in their modernization endeavours as compared to other justice chain actors.

One of the latest assessments of the forensic infrastructure in the Republic of Moldova was conducted in 2011 by UNDP<sup>2</sup>. The assessment identified a number of areas which required improvement, amongst which is the lack of uniformity across the forensic institutions in the processes of judicial expertise and forensic investigations, as well as the necessity of improving forensics' regulatory framework.

The Law no. 68/2016 on the Judicial Expertise and the Status of Judicial Expert<sup>3</sup> provides for the regulatory framework and the requirements on the functionality of the judicial expertise system on such issues as the coordination and methodological mechanisms, admission to the profession, training and qualification/licensing, etc.

The current practice of forensic institutions has revealed a number of inconsistencies between various parts of the existing legal framework regulating the forensic expertise and forensic organization in Moldova, that require alignment and convergence among them. Therefore, UNDP also conducted the review of the current Law on the Judicial Expertise and the Status of Judicial Expert and connected normative acts, identifying shortcomings and formulating recommendations for the improvement of legal/normative acts regulating the area of judicial expertise.

The preliminary findings of the analysis point out issues related to the uneven interpretation of legal norms and use of legal notions, the absence of clearly set admissibility requirements for the judicial expertise report, the inconsistent functioning of the mechanism of admission to the judicial expert profession and subsequent assessment, namely problems related to establishing and functioning of the Commission for qualification and evaluation of judicial experts, as well as Commission members' mandate, lack of clear regulations on the curriculum for the initial and continuous training of judicial experts, as well as there is no national institutional system for professional training of judicial experts in place.

UNDP is currently addressing the national forensic system's needs by supporting the institutional development of forensic institutions<sup>4</sup>, providing support to review and amend the regulatory framework, as well as supports development of e-tools aimed at integrating isolated and

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<sup>2</sup> The Feasibility study on the forensic infrastructure in the Republic of Moldova and Findings of the external audit of the Centre of Forensic Medicine of Ministry of Health of the Republic of Moldova, conducted within the context of the "Strengthening the forensic examination of torture and other forms of ill-treatment in Moldova" project implemented by UNDP with the European Commission support

<sup>3</sup> [https://www.legis.md/cautare/getResults?doc\\_id=93158&lang=ro](https://www.legis.md/cautare/getResults?doc_id=93158&lang=ro)

<sup>4</sup> Within the scope of the A2J technical assistance is provided to the following three institutions the National Centre for Judicial Expertise (NCJE), Forensic Centre of the General Police Inspectorate (Police Forensic Centre ) and Centre for Legal Medicine (CLM).

uncoordinated forensic investigations into a consistent and coordinated process.

Recognizing the important role of forensics in ensuring a fair access to justice, aiming at improving forensic infrastructure and assuring its compliance with the international quality standards, as well as equipping national forensic institutions with relevant capacities and tools for an efficient and evidence-based performance, UNDP Moldova seeks to contract an International Consultant to enhance the coordination and collaboration within the national forensic institutions system, through creation of a representative platform for the national forensic system to coordinate the work and quality of forensic science in the country. The International Consultant shall also contribute to the harmonisation of the approach to career development of the national judicial experts (admission to the profession, initial and continuous training, qualification/licensing, performance evaluation, professional conduct and disciplinary proceedings, etc).

## **II. Scope of work and expected outputs**

The expected output for the International Consultant's assignment is to review the current career development system for judicial experts (*admission to the profession, initial and continuous training, qualification/licensing, performance evaluation, professional conduct and disciplinary proceedings, etc*) and provide recommendations which would ensure efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, as well as alignment of these processes to the international best practices. The consultant is also expected to conduct the assessment of the collaboration and coordination within the national forensic institutions system, establish the gaps and opportunities and provide solutions for enhancing the existing relationships, by means of recommending alternative models and associated implications for changing the existing status quo.

In order to achieve the stated objective, the Consultant shall perform the following tasks and activities:

1. Prepare an Inception Report and detailed work plan for the assignment;
  - A. In relation to the review the current career development system for judicial experts:
2. Review the current career development system for judicial experts and provide recommendations for ensuring efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, as well as alignment of these processes to the international best practices:
  - 2.1 Prepare the methodology, tools and workplan to be used for conducting the review, including questionnaires for collection of quantitative and qualitative data, list of topics to be discussed, stakeholders to be interviewed;
  - 2.2 Conduct in-depth interviews and consultation meetings\* with management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, private forensic experts' bureaus, as well as the Ministry of Justice and relevant line Ministries\*\*;
  - 2.3 Conduct survey of international practices to collect comparative data for substantiating the analysis.
3. Based on the results of the review, draft the Analysis Report containing findings and recommendations which would ensure efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, as well as alignment of these processes to the international best practices. The Analysis Report shall consider but not be limited to:

- 3.1 Overview of the current career development system for judicial experts (*admission to the profession, initial and continuous training, qualification/licensing, performance evaluation, professional conduct and disciplinary proceedings, etc*);
- 3.2 Findings on the gaps, weaknesses and strengths of the current system for career development for judicial experts;
- 3.3 Overview of available solutions, up to three different models, aimed to ensure efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, as well as alignment of these processes to the international best practices. The overview shall be supported by data of international practices survey and address the scope, mandate, structure and membership of the proposed model;
- 3.4 Comprehensive description of the suggested models that shall cover the strengths and weakness of each of the proposed approaches;
- 3.5 Other areas the consultant considers necessary and has agreed with the Project team;
- 3.6 Conclusions and Recommendations.
4. Organise and facilitate participatory workshops\* with management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, private forensic experts' bureaus, as well as the Ministry of Justice and relevant line Ministries to present and validate the findings of the review and the proposed solutions\*\*;
5. Develop a step - by - step roadmap for establishing the model which has been endorsed by the management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, as private forensic experts' bureaus as well as the Ministry of Justice and relevant line Ministries;
6. Develop in close coordination with UNDP National consultant contracted to conduct the review of the Moldovan regulatory framework related to the area of judicial expertise and experts, the draft amendments to national primary and secondary regulatory framework to reflect the endorsed solution to ensure efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, as well as alignment of these processes to the international best practices;
- B. In relation to the assessment of the collaboration and coordination within the national forensic institutions system:
  7. Review the existing collaboration and coordination mechanisms within the national forensic institutions system, including the mechanisms set by means of creation of the Scientific and Methodological Council of the National Centre of Judicial Expertise, and provide recommendations for improvement based on the best practices:
    - 7.1 Prepare the methodology, tools and workplan to be used for conducting the review, including questionnaires for collection of quantitative and qualitative data, list of topics to be discussed, stakeholders to be interviewed;
    - 7.2 Conduct in-depth interviews and consultation meetings\* with management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, private forensic experts' bureaus, as well as the Ministry of Justice and relevant line Ministries\*\*;
    - 7.3 Conduct survey of international practices to collect comparative data for substantiating the analysis.
  8. Based on the results of the review, draft the Analysis Report containing findings, recommendations and overview of solutions for creation of a representative platform for the national forensic system (state institutions and private practitioners) to coordinate the work and quality of forensic science in the country. The Analysis Report shall consider but not be limited to:

- 8.1 Overview of the current mechanism for ensuring coordination and collaboration among the national forensic institutions;
  - 8.2 Findings on the gaps, weaknesses and strengths of the current mechanism for ensuring coordination and cooperation among the national forensic institutions;
  - 8.3 Overview of proposed solutions, up to three different models, related to creation of a representative platform for the national forensic system and address the identifies gaps and weaknesses. The overview shall be supported by data of international practices survey and address the scope, mandate, structure and membership of the proposed model;
  - 8.4 Comprehensive description of the suggested models that shall cover the strengths and weakness of each of the proposed approaches;
  - 8.5 Other areas the consultant considers necessary and has agreed with the Project team;
  - 8.6 Conclusions and Recommendations.
9. Organise and facilitate participatory workshops\* with management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, private forensic experts' bureaus, as well as the Ministry of Justice and relevant line Ministries\*\*, to present and validate the findings of the review and the models proposed for creation of a representative platform for the national forensic system (state institutions and private practitioners) to coordinate the work and quality of forensic science in the country;
  10. Develop a step - by - step roadmap for establishing the model which has been endorsed by the management and/or delegated personnel from the national forensic institutions part of the national system of forensic institutions, private forensic experts' bureaus, as well as the Ministry of Justice and relevant line Ministries\*\*;
  11. Develop in close coordination with UNDP National consultant contracted to conduct the review of the Moldovan regulatory framework related to the area of judicial expertise and experts, the draft documentation pertaining to the creation and functioning of the endorsed model, such as the Regulation describing the mandate, structure, functions, and membership, as well as standard operating procedures;
  12. Two missions may be considered only when it is confirmed to be safe for staff, consultant, stakeholders and if such missions are possible within the assignment's schedule. The exact duration and period of the missions shall be coordinated with UNDP. For purpose of estimation of services' costs, the expected duration of the mission, could be up to five working days, depending on the scope.

*\* The responsibility for facilitating the consultation process for the purpose of completing the tasks outlined hereto will be borne primarily by the consultant. The consultant shall be responsible for preparing working materials and agendas and will be supported by the Project team to ensure participation, communication and coordination with invited stakeholders.*

*\*\* For the scope of this assignment the coordination of consultant's outputs will be ensured through the Working Group to be established by the Ministry of Justice of the Republic of Moldova to review the Moldovan regulatory framework related to the area of judicial expertise and experts.*

### III. Deliverables and Timeframe

	<b>Key deliverables:</b>	<b>Tentative timeframe/deadline</b>
1.	Inception Report containing a detailed Work Plan developed	By 4 May 2021
2.	Methodology and tools to be used for reviewing the current career development system for judicial experts and the existing collaboration and coordination within the national forensic institutions system, as well as draft content and structure of the Analysis Reports described at points 3 and 8 in Section II of the TOR, developed and submitted for clearance	By 14 May 2021
3.	In-depth interviews and consultation meetings conducted	By 31 May 2021
4.	Draft Analysis Report described at point 3 in Section II of the TOR drafted and submitted	By 16 June 2021
5.	Participatory workshops to present and validate the findings of the review of the current career development system for judicial experts and the proposed solutions conducted	By 30 June 2021
6.	Draft Analysis Report described at point 8 in Section II of the TOR drafted and submitted	By 16 July 2021
7.	Participatory workshops to present and validate the findings of the review of the existing collaboration and coordination within the national forensic institutions system and the models proposed for creation of a representative platform for the national forensic system conducted	By 30 July 2021
8.	Finalised Analysis Reports described at points 3 and 8 in Section II of the TOR drafted and submitted for clearance	By 10 September 2021
9.	Step - by - step roadmap described at point 5 in Section II of the TOR drafted and submitted	By 30 September 2021
10.	Draft amendments to national primary and secondary regulatory framework to reflect the endorsed solution for efficient and uniform approaches to admission to profession of the judicial experts and professional progression and connected processes, developed and submitted for clearance	
11.	Step - by - step roadmap described at point 10 in Section II of the TOR drafted and submitted	By 29 October 2021
12.	Draft documentation pertaining the creation and functioning of the endorsed model of a representative platform for the national forensic system developed and submitted for clearance	

#### **IV. Institutional arrangements**

The timeframe for the work of the consultant is tentatively planned through April – October 2021.

The consultant will work under the guidance of the UNDP Project Manager for substantive aspects of the assignment and under the direct supervision of the UNDP Project Officer for administrative aspects.

The consultant is expected to cooperate closely with the representative of the Ministry of Justice, management and delegated staffers from the National Centre for Judicial Expertise under the Ministry of Justice, Forensic and Judicial Expertise Centre under the General Police Inspectorate, Centre of Legal Medicine under the Ministry of Health, Labour and Social Protection; National Anticorruption Centre; Moldovan Border Police, private forensic experts' bureaus.

All the deliverables shall be submitted in English language, in electronic format.

Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

#### **COVID-19 implications:**

The selected consultant shall abide by the latest recommendations of WHO and National Commission for Emergency Situations of the Republic of Moldova pertaining to safety measures in the COVID-19 context.

Due to limited possibilities to travel to or within the country the consultant should develop a methodology to conduct the assignment virtually and remotely, using teleconferencing equipment and tools, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires.

While preparing and undertaking interviews, meetings, presentations and briefings through telephone or online (skype, zoom etc.) the consultant shall work remotely in close coordination with the Project team. Hence, no stakeholders, consultant or UNDP staff should be put in harm's way and safety is the key priority.

Should the circumstances allow conduct of workshops/meetings with physical presence of participants, the consultant shall abide by the safety rules and regulations set by the Moldovan authorities in regard to gatherings/meetings at that particular time, ensuring the safety of its staff and those they shall interact with.

#### **V. FINANCIAL ARRANGEMENTS**

Payment will be disbursed in four instalments upon submission and approval of deliverables by the A2J Project and certification by the Project Manager that the services have been satisfactorily performed.

#### **Financial proposal:**

## Lump sum contract

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payment will be made upon the successful completion of the tasks assigned and submission of the assessment report. Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, communication costs, travel, per diems, and number of anticipated working days).

## Travel

All envisaged travel costs must be included in the financial proposal.

This includes all travel to join duty station/ repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/ she should do so using their own resources. In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

*The travel costs to Moldova shall be indicated separately and will be covered only if the travel will be allowed in the COVID-19 context.*

## **VI. Qualifications and skills required**

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

- Master's degree (or 5 years university degree) in Law, Economy, Forensic Sciences, or related fields of equivalent scope;

### **II. Years of experience:**

- At least 7 years of professional experience, in the area of forensics and judicial expertise;
- At least 5 years of experience in overseeing and/or implementation of change and institutional development activities related to forensic services redesign and/or reform;
- Previous proven experience (such as membership in qualification/licensing and/or performance evaluation committees, mentorship role in the context of initial and/or continuous training, or equivalent) within mechanisms for admission to profession of the judicial experts and professional progression and connected processes;
- Proven experience (at least 2 proven previous assignments/appointments as delegated representative with a full-fledged role) in leading and/or actively participating in the work of representative platforms within national forensic systems mandated to coordinate the work and quality of forensic science within a particular country;
- Professional experience of working with high-level public officials and providing advocacy and policy advice will be an asset;
- Professional experience in Central and Eastern Europe on similar assignments will be an asset.

### **III. Competencies:**

- Excellent knowledge and understating of set-up and functioning of national forensic system's demonstrated by previous assignments;



- Excellent understanding of the judicial expert's career admission to profession and career progression systems demonstrated by previous professional experience;
- Great understanding of the prerequisites for ensuring uniformity and quality of forensic science methods, methodologies and practices demonstrated by previous professional experience;
- Excellent analytical and report-writing skills demonstrated by previous assignments;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with stakeholders at all levels and to present ideas clearly and effectively;
- Previous work with UNDP and/or other development partners will be an asset;
- Fluency in English. Knowledge of Romanian and/or Russian is an asset;
- 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. *Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.*

*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.*