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TERMS OF REFERENCE

Job title:	National consultant to conduct the review of the Moldovan regulatory framework related to the area of judicial expertise and experts
Duty station:	Chisinau, Moldova
Reference to the project:	“Strengthening Efficiency and Access to Justice in Moldova” Project”
Contract type:	Individual Contract (IC)
Expected duration of the assignment:	May – November 2020 (<i>up to 45 working days</i>)
Starting date:	May 2020

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 national forensic institutions are an integral part of the justice system, as the expert opinions 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 quality of justice and affect the overall perception of users about the justice system. 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.

A new Law on the Judicial Expertise and the Status of Judicial Expert had entered into force at the end of 2016¹, introducing a new 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 judicial expert profession, training and qualification/licensing of judicial experts, etc.

¹ Law on the Judicial Expertise and the Status of Judicial Expert adopted on 14 April 2016, entered into force on 10 December 2016: <http://lex.justice.md/md/365259/>

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. The problems faced by the forensic institutions are apparently due to either the ambiguities of norms, or lack of specific regulations, or different application of norms.

In this regard, UNDP is seeking to hire a national consultant to review the current Law on the Judicial Expertise and the Status of Judicial Expert and connected normative acts, identifying shortcomings and formulating improvements with regards to the acts regulating the area of judicial expertise and experts.

II. Scope of work and expected outputs

The expected output for the national consultant's assignment is to review the current Law on the Judicial Expertise and the Status of Judicial Expert and connected normative acts, identifying shortcomings and formulating improvements with regards to the acts regulating the area of judicial expertise and experts,² taking into consideration best European practices in the field.

In order to achieve the stated scope of work, the Consultant shall perform the following tasks and activities:

1. Prepare the Inception Report and detailed work plan for the assignment;
2. Undertake a comprehensive desk review of the relevant national plans and legal framework related to the area of judicial expertise and experts, as well as internal rules, regulations and guidelines within the national forensic institutions to identify inconsistencies and propose remedies;
3. Conduct review of the relevant studies, researches, reports, EU/international best practices related to the area of judicial expertise and experts, in order to identify the suitable models and practical solutions to the challenges faced by the forensic system in the Republic of Moldova, including for regulating the status of forensic expertise performed by foreign forensic institutions and/or experts, regulation of forensic waste and chemicals management, establishment of a forensic coordination council;
4. Ensure consultation with project beneficiaries of the findings of the review and the tentative proposals for improvement of the normative acts regulating the area of judicial expertise and experts;
5. Develop an Assessment Report containing findings and specific recommendations for improving the regulatory framework related to the area of judicial expertise and experts;
6. Develop a set of amendments to the regulatory framework related to the area of judicial expertise and experts, as well as supporting documents for tabling the amendments. The consultant shall consider and mainstream the gender perspective throughout the proposed amendments to the law and connected normative acts;
7. Closely coordinate with A2J national consultant ³ the preparation of amendments to the regulatory framework, to ensure transposition of provisions which would ensure legally based use of electronic case management systems by the forensic institutions;
8. Organise and facilitate extended consultations with the project beneficiaries and the Ministry of Justice, judiciary, prosecution, lawyers, to discuss the proposed amendments to the forensic legal framework. The consultant shall use the feedback received in the meetings

² The proposals for review of the regulatory framework shall cover, but will not be limited to, clarifications on the status of forensic expertise performed by foreign forensic institutions and/or experts, regulation of forensic waste and chemicals management, establishment of a forensic coordination council

³ National legal consultant to support the legally based use of electronic case management systems by the forensic institutions

- to review the proposals for amendment and complete the package of modifications to the legislation and supporting documents;
9. Provide advice and necessary support to the A2J national consultant⁴ in the context of development of the Forensic Case Management System (FCMS), aiming to ensure legally accurate presentation of workflows to be digitalised by means of the FCMS in the Vision Document on the future FCMS.

III. Deliverables and Timeframe

	Key deliverables:	Tentative timeframe/deadline
1.	Inception Report containing a detailed Work Plan and Methodology developed	By 8 May 2020
2.	Assessment Report containing findings and specific recommendations for improving the regulatory framework related to the area of judicial expertise and experts developed and submitted for clearance	By 8 June 2020
3.	Advice and support to the A2J National ICT Consultant in the context of development of the FCMS, aiming to ensure legally accurate presentation of workflows to be digitalised by means of the FCMS, provided based on a previously agreed arrangement with the A2J project team	By 19 June 2020
4.	Coordination with A2J national consultant in the context of preparation of amendments to the regulatory framework related to the area of judicial expertise and experts, to ensure transposition of provisions which would ensure legally based use of electronic case management systems by the forensic institutions. ensured	By 25 September 2020
5.	Consultations with the project beneficiaries and Ministry of Justice, judiciary, prosecution, lawyers to discuss the proposed amendments to the forensic legal framework, ensured	By 23 October 2020
6.	Amendments to the regulatory framework related to the area of judicial expertise and experts, as well package of supporting documentation, drafted and submitted for clearance	
7.	Final report describing the outputs of the assignment	By 13 November 2020

IV. Institutional arrangements

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 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.

⁴ National ICT Consultant to support the national forensic institutions with specialised technical support and advice throughout the process of elaboration and operationalisation of an e-system for forensic institutions

All the deliverables shall be submitted in Romanian language, in hard copy and electronic format. The summary of the Assessment Report, described at task 5 in Section II of the TOR, shall be presented in English as well. Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

This is a part-time consultancy. The timeframe for the work of consultant is planned for May – November 2020.

Financial arrangements: The Payment will be disbursed in instalments upon submission and approval of the submitted deliverables.

V. QUALIFICATIONS AND SKILLS REQUIRED

I. Academic Qualifications:

- Master's degree or equivalent (5-year university degree) in Law, Public Administration or another relevant field.

II. Years of experience:

- At least 5 years of experience in drafting by-laws, normative framework and public policies;
- Proven experience (at least 3 proven previous assignments) in drafting regulatory framework;
- In-depth knowledge of the national legislation regulating the area of judicial expertise and experts;
- Experience in conducting comparative legal analysis, research and assessment on law related matters;
- Previous experience in working with the national forensic institutions is an asset;

III. Competencies:

- Strong analytical and writing skills;
- Ability to analyze, plan and communicate effectively orally and in writing;
- 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;
- Fluency in Romanian. Knowledge of Russian and/or English 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.