



TERMS OF REFERENCE

Job title:	National consultant to support mainstreaming of integrity and anticorruption principles in operations and internal regulations of the national forensic institutions
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:	March 2021 – October 2021 (<i>up to 45 working days</i>)
Starting date:	19 March 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 national forensic institutions¹ 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

¹ For the purpose of this ToR the term national forensic institutions will comprise the National Centre for Judicial Expertise under the Ministry of Justice, the Forensic and Judicial Expertise Centre under the General Police Inspectorate, and the Centre of Legal Medicine under the Ministry of Health, Labour and Social Protection.

institutions benefited from limited assistance and support in their modernization endeavours as compared to other justice chain actors.

According to the results of the Barometer of Public Opinion, the justice system in the Republic of Moldova faces a low level of public trust, with only 19% of respondents (20,8% men / 17,5% women) trusting the system as per the data available in October 2020².

In line with the provisions of the national legislation in force³ the management of the national forensic institutions is responsible for ensuring the management of corruption risks in the context of implementing the standards of ethics and professional integrity,⁴ to contribute to increasing society's confidence that public institutions are fulfilling their mission in the public interest.

In this regard, as required by the National Integrity and Anticorruption Strategy for 2017–2020⁵, integrity plans, risk and corruption registers as well as codes of conduct shall be elaborated. The monitoring of implementation of these tasks and the efficient use of the above listed tools is within the responsibility of management of the entity, and reports on implementation thereof shall be made public.

Currently, a report on the implementation of institutional integrity plan is available only for the Centre of Legal Medicine⁶, whereas the other two national forensic institutions have not undergone the process of integrity evaluation.

Additionally, the legislative framework also sets the requirement towards state entities to mainstream integrity principles in operations and internal regulations as well as apply an approach of zero tolerance for corruption. The efficiency of the actions directed towards ensuring institutional and professional integrity is checked by the managers of public entities, anti-corruption authorities, civil society, and the media applying the National Internal Control Standards for the Public Sector (NICS)⁷.

To foster the existing forensic infrastructure and assure its compliance with the national and international standards on institutional integrity, increase public confidence in the national forensic institutions, as well as equip the institutions with relevant capacities and tools which would contribute to compliance with the requirements set in the national legislation, the A2J Project works towards integration in the operations of the national forensic institutions of the integrity and ethics dimensions.

In this regard, UNDP is seeking to hire a national consultant to review the national forensic institutions' operations, internal policies and regulations developed and applied within the later,

² Barometer of Public Opinion, October 2020 https://ipp.md/wp-content/uploads/2020/10/BOP_10.2020.pdf

³ The Integrity Law nr. 82 adopted on 25 May 2017

https://www.legis.md/cautare/getResults?doc_id=120706&lang=ro

⁴ https://www.legis.md/cautare/getResults?doc_id=110521&lang=ro

⁵ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=370789>

⁶ Report on Monitoring of the Implementation of the Integrity Plan of the Centre of Legal Medicine (CML), 2018, <https://cna.md/libview.php?l=ro&idc=165&id=2163&t=/Evaluarea-integritatii-institutionale/Rapoarte-de-monitorizare/Raport-privind-monitorizarea-implementarii-Planului-de-integritate-al-Centrului-de-Medicina-Legala-pentru-perioada-august-octombrie-2018>

⁷ https://www.legis.md/cautare/getResults?doc_id=89744&lang=ro

to ensure compliance with national requirements related to promotion of integrity and zero tolerance for corruption.

II. Scope of work and expected outputs

The expected output for the national consultant's assignment is to conduct an assessment of the internal operations within the national forensic institutions and internal regulatory framework addressing the areas of ethics, integrity and anticorruption, identifying gaps and opportunities, as well as develop recommendations for compliance with the NICS.⁸ The consultant is also expected to strengthen the capacities of the managers and personnel of national forensic institutions through training and coaching pertaining to the area of integrity and anticorruption.

In order to achieve the stated objective, 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 internal rules, regulations and policies in place within the national forensic institutions, with a focus on those connected to the area of integrity and mainstreaming of anti – corruption principles;
3. Prepare the methodology and tools to be used for conducting the assignment and for collection of quantitative and qualitative data;
4. Carry out the assessment of compliance of the national forensic institutions, from the operational and regulatory perspectives, with the provisions of the national legislation related to evaluation of integrity within state entities, to identify gaps and opportunities and propose recommendations for improvement;
5. Conduct in-depth interviews and consultation meetings with the management of the national forensic institutions and delegated representatives;
6. Develop for each of the national forensic institutions a Report containing findings and recommendations as a result of the assessment and the Roadmap for addressing the identified gaps;
7. Organise and facilitate participatory workshops, with management and personnel from the three national forensic institutions, to present and validate the findings of the assessment and proposals for addressing the inconsistencies in operations and internal regulatory framework covering the area of institutional integrity;
8. Work with the management and personnel from the three national forensic institutions to enhance their knowledge and skills on integrity and anticorruption principles in public institutions, assessment and monitoring of integrity in public institutions and corruption risks assessment and management with a focus on the legal regime of gifts, integrity whistleblowers, incompatibilities, restrictions, conflicts of interest and undue influence. In this regard the consultant shall organise and deliver three one day training sessions, one per each institution.

⁸ Considering the legal statute of the Forensic and Judicial Expertise Centre under the General Police Inspectorate, the scope of the assignment implies close coordination with the General Police Inspectorate

III. Deliverables and Timeframe

	Key deliverables:	Tentative timeframe/deadline
1.	Inception Report containing a detailed Work Plan developed	By 26 March 2021
2.	Methodology and tools to be used for conducting the assignment and for collection of quantitative and qualitative data developed and submitted, as well as draft content and structure of the Report described at point 6 in Section II of the TOR, developed and submitted for clearance	By 9 April 2021
3.	In-depth interviews and consultation meetings with the management of the national forensic institutions and delegated representatives conducted	By 30 April 2021
4.	Draft Reports (<i>one per national forensic institution</i>) containing findings and recommendations as a result of the assessment of compliance of the national forensic institutions, from the operational and regulatory perspectives, with the provisions of the national legislation related to evaluation of integrity within state entities and Roadmap for addressing the identified gaps developed and submitted	By 15 June 2021
5.	Participatory workshops with management and personnel from the three national forensic institutions, to present and validate the findings of the assessment and proposals for addressing the inconsistencies in operations and internal regulatory framework covering the area of institutional integrity	By 29 July 2021
6.	Finalised Reports (<i>one per national forensic institution</i>), drafted and submitted for clearance	By 13 September 2021
7.	Three one day training sessions, one per each institution for management and personnel of national forensic institutions on the topics listed at point 8 Section II. Scope of work and expected outputs of the ToR organised and conducted. Training support materials submitted	By 18 October 2021

IV. Institutional arrangements

The timeframe for the work of the consultant is tentatively planned through March – 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 management and delegated staffers from the National Centre for Judicial Expertise, Forensic and Judicial Expertise Centre, Centre of Legal Medicine. The consultant shall also engage with the National Anticorruption Centre,

National Integrity Authority, Ministry of Justice, General Police Inspectorate and the Ministry of Health, Labour and Social Protection.

All the deliverables shall be submitted in Romanian language, in electronic format. The final Reports with findings and recommendations, described at point 6 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.

V. FINANCIAL ARRANGEMENTS

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

VI. Qualifications and skills required

I. Academic Qualifications:

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

II. Years of experience:

- At least 7 years of experience in the field of research and/or consultancy related to prevention and fight against corruption and/or justice sector;
- Proven experience (at least 3 proven previous assignments) in legal drafting and analysis of normative acts related to justice and/or anticorruption;
- Previous experience working on issues related to combating and preventing corruption is a strong advantage;
- Previous experience in working with public entities is an asset.

III. Competencies:

- Excellent knowledge of the policy, normative and institutional framework on the fight and prevention of corruption of the Republic of Moldova demonstrated by previous assignments;
- Demonstrated experience on the assessment of the effectiveness of implementation of specific legislation in the justice and/or anticorruption sectors related to criminal procedures will be a strong advantage;
- 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 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.