



TERMS OF REFERENCE

Job title:	International Consultant to conduct in-depth assessment of the official Crime and Justice Statistics of the Republic of Moldova and its adherence to the EU Statistical Requirements Compendium and United Nations Office on Drugs and Crime standards.
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:	July – December 2021 (<i>up to 45 working days</i>)
Starting date:	July 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 during the last years to improve the efficiency, transparency, fairness, and accessibility of the justice sector¹, the justice system still fails to deliver at the level of users’ expectations. Even though justice reform is ranked the fourth in importance by citizens (after healthcare, pension, and education reforms), results matching this expectation are not achieved yet. In Moldova, the court performance is perceived to be poor, 76% of court users expressing negative views, while most respondents tended to state that there have been no changes on the ground during 2015-2017².

According to the World Bank’s 2017 Surveys of Court Users³, the respondents broadly feel that an ordinary citizen is unlikely to get a fair trial (more than 62% share this opinion). Citizens state that rights of disabled persons and of those who have lower income are least observed in the justice system. Access to justice for vulnerable groups remains a key concern. Access

¹ Introduction of a redesigned legal aid system, optimization of court map, implementation of Integrated Case Management System (ICMS), audio recording of court proceedings, reform of prosecution service, etc.

² World Bank, Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIREnglish-Version-Sep-13-2018.pdf>

³ Association Implementation Report on Moldova (03 April 2018), https://cdn4eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/Bsw7bS5h390fCujCmGRX1jA5BqDcARI6Z_E_fG86JZA/mtime:1522915732/sites/eeas/files/association_implementation_report_on_moldova.pdf

constraints for vulnerable groups and a lower mobility of the rural population, combined with longer distances to travel and poor transport network have raised concerns about the impact of the planned court consolidation on access to justice services⁴. This becomes particularly relevant for women and girls⁵ and people with disabilities⁶.

According to World Bank data⁷, low-income groups have lower awareness about the functioning of the court system compared to higher-income groups, and state that the judicial system is least accessible in terms of cost and information. Only 1 in 10 citizens are satisfied with the efficiency of courts, prosecutors, and bailiffs, while unreasonably long proceedings and lack of thoroughness of proceedings are major citizens' concerns. On the access to court services, respondents said more attention should be paid to making information on cases and court decisions available to the public and making complaint-filing procedures simpler and clearer. Less than half of the respondents reported being able to find the court decision they need. 57% of citizens are not aware of court reforms, while those who are aware, complain about insufficient information.

Therefore, despite the ongoing reforms, little progress is felt at the local level by citizens, and the coherent coordination mechanisms among law enforcement, security, and justice institutions for effective administration of justice seem to be lacking at both national and local levels. Men and women, particularly from marginalized or minority groups, are not able to claim their rights and access justice effectively⁸.

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 19,1% of respondents (19,5% men / 18,6% women) trusting the system as per the data available in February 2021.⁹

Monitoring the policies, both at national and local levels, remains a main task of the Moldovan Government's agenda. The demand for quality data for evidence-based policy and decision-making continues to grow. Evidence-based policymaking can only be successful if it is based on a reality which is described by quality statistics. In addition, good evidence-based policies responding to the financial crisis require a good basis of statistical data as well as the appropriate literacy on using those data.

High-quality statistics are necessary for formulating realistic strategies and policies, setting targets, measuring, and managing results, monitoring outcomes, and for making evidence-based decisions about allocation and management of scarce resources. This is true for the justice sector, where sound decisions and actions require high-quality statistics. Accurate and up-to-date statistics and information provide a better understanding of policy impacts.¹⁰

⁴ Idem

⁵ A 2011 UN study found that 63% of women had experienced psychological, sexual or physical violence from their husband or partner. Rural, elderly, separated or divorced women are at higher risk of experiencing violence. According to 2017 statistics, 89% of family related crimes registered by Police¹⁰ refers to domestic violence, 80% of victims of domestic violence are women, while 90% of aggressors are men (http://www.politia.md/sites/default/files/ni_violenta_in_familie_12_luni_2017.pdf).

⁶ In February 2016, the UN Special Rapporteur stated that "persons with disabilities are often denied procedural accommodation in court, while the accessibility of court buildings and services themselves remains a serious challenge" in Moldova.

⁷ World Bank, Moldova - Improving Access to Justice: From resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIEnglish-Version-Sep-13-2018.pdf>

⁸ Report of the Regional UNDP Rule of Law, Justice, Security and Human Rights Mission to Moldova (October 2017).

⁹ Barometer of Public Opinion, February 2021 <https://ipp.md/2021-02/barometrul-opinieii-publice-februarie-2021/>

¹⁰ World Bank, Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018,

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Criminal justice statistics assist in policy analysis within criminal justice systems and as part of other social and global policy formulation and planning. Finally, good criminal justice statistics are essential for understanding and trying to shape the social development of communities.

In the context of the Association Agreement between the Republic of Moldova and the European Union (under Title IV, chapter 6 Statistics), the national statistical system should respect the UN Fundamental Principles of Official Statistics¹¹, taking into account the acquis in statistics, including the European Statistics Code of Practice¹², in order to align the national statistical system with the European norms and standards (Article 41).

The A2J Project seeks to address the crime and justice statistics¹³ through an assessment of the gaps in relation to compliance of the Moldovan statistics to the European and UNODC standards in the relevant statistical areas. The identified gaps and recommendations aim to strengthen the capabilities of the NBS and other data producers for effective approximation to EU norms and UNODC standards.

According to the latest survey on user satisfaction with available statistics¹⁴, statistical information from the justice sector is most frequently used for the purpose of overall informing by the local public administration, followed by international organizations and mass-media. According to the same survey, the CSOs underlined the insufficient level of disaggregation for the justice statistics, this type of statistics being the most used for professional purposes by the CSOs, LPAs, think-tanks, and researchers.

Moreover, when considering the weaknesses related to the justice statistics, the data users noted¹⁵ the lack of promptness of data dissemination and lack of methodological explanations, as well as the low level of trust in these statistics.

The Moldovan official statistics in the field of crime and justice (mainly based on official, aggregate figures from administrative sources) provides data which seem to be reasonably accurate and relevant to the needs of national users, but which may not be necessarily internationally comparable because of certain factors. Among them there are the methodological differences which might exist conditioned by the national needs and specific features, as well as different mandates of the institutions which produce data for a specific purpose, weak institutional memory, or lack of metadata repository of the definitions, methodologies and tracking of changes made over time. All these affect the completeness, relevancy, and coherence at the national level.

Moreover, the lack of a national classification of crimes transposing an international standard, in particular the International Classification of Crime for Statistical Purposes (ICCS), is the core impediment in ensuring the international comparability of Moldova's crime and justice statistics.

<http://documents.worldbank.org/curated/en/683491537501435060/pdf/MoldovaJSPEIR-English-Version-Sep-13-2018.pdf>

¹¹ <https://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>

¹² <https://ec.europa.eu/eurostat/web/quality/european-statistics-code-of-practice>

¹³ For the scope of the assignment crime and justice statistics will include crime, criminal justice, civil justice and contraventions statistics

¹⁴ Survey regarding statistical data and information users level of satisfaction with the existing sources of information elaborated for: Support to confidence building measures, United Nations Development Programme, by S.C. Magenta Consulting S.R.L. , June 2016, https://statistica.gov.md/public/files/despre/evaluare_opinii/Evaluare_Magenta_Consulting_Magenta_Consulting_Data_users_satisfaction_survey_report_eng.pdf

¹⁵ Sondaj de opinie privind gradul de satisfacere a utilizatorilor cu date statistice ale BNS, Centrul de Investigații Sociologice și Marketing „CBS-AXA”, 2013, https://statistica.gov.md/public/files/despre/evaluare_opinii/CBS_Axa_2013/Rezultate_sondaj_2013.pdf

It is important to identify and gradually resolve these problems by exploring various approaches, harmonization with the existing standards in the field and learning from EU member countries' experience.

Crime and justice statistics¹⁶ disseminated by NBS refer to data on the level of crime in the country (offenses and perpetrators), including juvenile delinquency, convicted and detained persons, road accidents and the justice system (cases brought to the courts and legal professionals). NBS disseminates a concise list of crime and [justice statistical indicators](#) through its [web-site](#)¹⁷, databank Statbank¹⁸, periodic releases or other modalities.

To ensure the production and dissemination of crime and justice statistics, the National Bureau of Statistics collects only the data on administrative contraventions, while the other field-related data are received, according to the annual Statistical Work Programmes approved by the Government¹⁹, in aggregated format, from the holders of administrative data registers, such as: Ministry of Internal Affairs and subordinate authorities such as the Information Technology Service, General Police Inspectorate, Ministry of Justice and its subordinate authorities such as Court Administration Agency, National Administration of Penitentiaries. An in-depth evaluation of the statistical capacity available in the country should be conducted with the full cooperation of the data producers and users, which will provide a detailed assessment of the system's strengths and weaknesses in the selected areas of concern. The resulting conclusions should also suggest where and what kind of improvements are most needed.

In this regard, UNDP is seeking to hire an International Consultant to conduct an in-depth assessment of compliance of official justice related statistics and crime classification for statistical purposes with international standards in the field and to design a roadmap for relevant reform in the field.

II. Scope of work and expected outputs

The expected output for the International Consultant's assignment is to conduct an in-depth sectoral assessment of compliance of crime and justice statistics area in line with the international standards in the field, in particular of the Manual for the Development of a system of Criminal Justice Statistics²⁰ developed by the UN as a general framework for the development of a national system of crime and justice statistics.

The Consultant is also expected to design a roadmap of actions and measures necessary to further comply with these and other standards belonging to the [United Nations Office on Drugs and Crime](#)²¹, as well as to approximate to [EU Statistical Requirements Compendium](#)²². The assessment will be conducted in close cooperation with the National Bureau of Statistics of the Republic of Moldova (NBS) and main data providers, building on the previous and on-going activities undertaken by NBS, and closely observing the provisions of the Law on Official Statistics²³, Annual Programme of Statistical Activities²⁴, RM-EU Association Agreement (title IV, chapter 6, art. 41-46)²⁵ and other national and sector policy and regulatory documents and

¹⁶ For the scope of the assignment crime and justice statistics will include crime, criminal justice, civil justice and contraventions statistics.

¹⁷ www.statistica.gov.md

¹⁸ www.statbank.statistica.md

¹⁹ <https://statistica.gov.md/pageview.php?l=ro&idc=323&>

²⁰ https://unstats.un.org/unsd/publication/SeriesF/SeriesF_89e.pdf

²¹ <https://www.unodc.org/unodc/en/data-and-analysis/crime-and-criminal-justice.html>

²² <https://ec.europa.eu/eurostat/web/products-manuals-and-guidelines/-/ks-gq-21-006>

²³ https://www.legis.md/cautare/getResults?doc_id=105689&lang=ro

²⁴ <https://statistica.gov.md/pageview.php?l=ro&idc=323&>

²⁵ https://www.legis.md/cautare/getResults?doc_id=83489&lang=ro

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in compliance with international standards in statistics and relevant best practices of other countries.

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

1. Undertake a comprehensive **desk review** of the national regulatory framework covering the assessed area such as the Law on official statistics, NBS regulations and activity reports, documents (*rules regulations, Standard Operation Procedures, etc*) related to the role and the activity of NBS and central public authorities responsible for providing, producing and reporting statistical data related to the crime and justice sector, including functional reviews of Government institutions if appropriate, previous global assessments of the national statistics²⁶, available methodologies, as well as available agreements of data exchange and international standards related to the selected statistical area if available, etc.;
2. Prepare an **Inception Report** containing the methodology, working tools and workplan for the accomplishment of the current assignment, including situation analysis tools - questions designed to identify the strengths and weaknesses of the inputs, processes, outputs and outcomes of the crime and justice statistics, as well as for conducting the independent assessment for individual stakeholders which provide and produce crime and justice statistics via application of self-assessment tools being coordinated with the national stakeholders (NBS and A2J Project Teams). The approach and methodology to be applied should result in outputs which will be compliant with UN (including UNODC) and EU standards on crime and justice statistics' assessment so that the produced report could be used: (i) to plan needed actions to be undertaken to improve the availability, conformity and comparability of qualitative crime and justice statistics for the policy-making purposes, as well as (ii) to enable the production of data for SDGs indicators based on administrative data sources;
3. Carry out extensive **consultation process**, including meetings, focus-groups and/or in-depth interviews²⁷ with relevant counterparts and stakeholders with regard to the topics of the statistical fields covered by the current assignment, including with the scope to identify potential gaps in relation to users' needs as well as users' views and feedback to the data producers in relation to strengthening the statistical outputs and make them more easily available, with the bellow listed, but not limited to:
 - National Bureau of Statistics: top management, head, and staff of concerned division of the NBS²⁸;
 - central public authorities and other relevant entities related to crime and justice sector (justice chain) which provide primary data for statistics produced by NBS, which produce their own data, or which are using data for their institutional purposes:
 - crime statistics - General Prosecutor's Office, Ministry of Internal Affairs and subordinate authorities such as the Information Technology Service, General Police Inspectorate;
 - justice statistics - Ministry of Justice and its subordinate authorities such as the National Administration of Penitentiaries and the Court Administration Agency, Superior Council of Magistracy, Supreme Court of Justice, Courts of Appeal and first instance Courts, National Legal Aid Council, and any other institutions identified in close consultation with NBS);

²⁶<https://statistica.gov.md/pageview.php?l=ro&idc=399&id=2739>

²⁷ 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 national consultant to support the assessment of compliance of crime and justice statistics and Project team to ensure participation, communication and coordination with invited stakeholders.

²⁸ <https://statistica.gov.md/pageview.php?l=ro&idc=23&id=6275>

- Civil Society Organizations acting as watchdogs in the justice sector area;
 - Other stakeholders identified at the desk review and methodology preparation phases, mainly as users of crime and justice statistics.
4. Conduct an **independent assessment** for individual stakeholders which are producers of crime and justice statistics via application of self-assessment tools as well as the survey designed to identify the strengths and weaknesses of the inputs, processes, outputs and outcomes of the crime and justice statistics (tools developed within the p.2 above). The assessment will include both perspectives, of the data providers or producers and of the data users;
 5. Develop an **Outline of the results of the consultation** meetings and interviews, preliminary findings of the self-assessment and survey of data providers/producers and data users, related to the issues described in p.3 above;
 6. Organise and facilitate participatory **workshops to present and validate the findings** included in the Outline;
 7. Draft the **Report on the Comprehensive Assessment** of the crime and justice statistics addressing the current status and the degree of their harmonization/ conformity with the UN and EU standards and methodologies and identifying the gaps and the weaknesses per each statistical subdomain, and the crime and justice statistics domain as a whole. The Report on the Comprehensive Assessment aims to strengthen the statistics system and provide an impartial view on the quality of statistics and shall address, but will not limited to, the following:
 - statistical infrastructure available (methodologies, concepts, coverage, statistical unit, counting unit and counting rules, system of indicators, data flows.), data collection, data production, dissemination and (where relevant) data use;
 - stages of statistical process passed in each of the subdomains;
 - aspects of data quality control in terms of accessibility, relevance, coherence, comparability, accuracy, timeliness (extent to which data are made accessible to users through the translation of source data into timely statistical outputs), periodicity etc.;
 - gender and human rights perspective of the assessed statistics and work done on mainstreaming multi-dimensional disaggregation in produced and disseminated crime and justice statistics and statistical outputs. From the perspective of “no one to be left behind” principle of the 2030 Agenda for sustainable development the assessment will also include a quick review of the justice related indicators under Sustainable Development Goal 16.
 - weaknesses and gaps (in infrastructure, capacity building of personnel, human resources, IT resources, production process, etc.) related to the compliance of the national statistics with the UN (including UNODC) standards and EU Acquis in statistics;
 - recommendations to address the identified weaknesses and gaps as well as proposed solutions and options to further approximate to UN (including UNODC) standards and EU statistical standards, but also taking into account the national context (data sources/providers, data demand, etc.);
 8. Develop a **Roadmap** containing concrete solutions/actions for further approximation to UN (including UNODC) standards and EU statistical standards, taking into account the national context, including the list of needs for technical assistance to enhance the knowledge, skills and institutional capacities of data providers.

Two physical missions (if travel arrangements will be feasible/allowed) 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.

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III. Deliverables and Timeframe

	Key deliverables:	Tentative timeframe/deadline
1.	Inception Report containing methodology, addressing working tools and workplan for the accomplishment of the current assignment developed and submitted for clearance	By 12 August 2021
2.	Tools for undertaking the independent assessment for individual stakeholders which provide or produce crime and justice statistics and the survey designed to elicit the strengths and weaknesses as described at point 4 in Section II of the TOR conducted	By 10 September 2021
3.	Outline of results of the consultation meetings, focus-groups and in-depth interviews, preliminary findings of the self-assessment and survey developed and submitted	By 8 October 2021
4.	Draft Report on the Comprehensive Assessment of the statistical field as described at point 7 in Section II of the TOR developed and submitted	By 22 October 2021
5.	Organisation and participation in at least three technical workshops to present and validate the findings included in the Outline	By 8 November 2021
6.	Finalised Report on the Comprehensive Assessment of the statistical field as described at point 7 in Section II of the TOR and the Roadmap described at point 8 in Section II of the TOR developed and submitted	By 26 November 2021
7.	Presentation of the main findings of Comprehensive Assessment with the participation of NBS, Government representatives, other stakeholders, organised and facilitated	By 10 December 2021

IV. Institutional arrangements

The timeframe for the work of the Consultant is tentatively planned through July – December 2021.

The Consultant will work under the guidance of the UNDP Project Manager and delegated NBS representative 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 Bureau of Statistics. The Consultant shall also engage with Ministry of Internal Affairs and subordinate authorities such as the Information Technology Service, General Police Inspectorate, Ministry of Justice and its subordinate authorities such as Court Administration Agency, National Administration of Penitentiaries, Superior Council of Magistracy, Supreme Court of Justice, Courts of Appeal and first instance Courts, National Legal Aid Council, General Prosecutor's Office, and any other institutions identified in close consultation with NBS.

The International Consultant will be supported by a National Consultant who will provide necessary substantive support and contribute to facilitation of the process of organizing and conducting required tasks in the context of the assignment.

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 regarding 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.

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VI. Qualifications and skills required

I. Academic Qualifications:

- Master's degree or equivalent (5-year university degree) in statistics, social science (demography, labour, education, culture, health, social protection, gender, etc.), law, economics, and/or other science related to areas relevant for the assignment;

II. Years of experience:

- At least 7 years of relevant professional experience in statistics (preferably official/ Government statistics system),
- Proven experience (at least 3 assignments, undertaking or participation) in assessments, evaluations and/or reviews preferable in the statistical area/s relevant to the present assignment;
- Working experience with senior officials within government, development partners and nongovernment organizations;
- Proven previous experience in EU candidate or potential candidate countries will be an asset;
- Proven previous experience in working with UN agencies & EU organizations will be an asset.

III. Competencies:

- In-depth knowledge and understanding of the UN, UNODC, EU standards in the field of crime and justice statistics;
- Excellent knowledge of the peculiarities (notions, concepts, legal and regulatory framework, European standards, best practices, etc.) of statistical sector as a whole, and the areas of justice sector statistics in particular;
- Strong understanding of quality issues in a national statistics system and methodological/technical knowledge on how to assess and address them;
- Ability to analyse, plan, communicate effectively orally and in writing, draft reports, solve problems, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- 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.

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 are particularly encouraged to apply.