

TERMS OF REFERENCE

International Expert

for the design of the Monitoring and Evaluation methodology of the Justice Sector Reform in Moldova

1. Background

One of the weakest chains in Moldova's democratic formation is considered to be the justice pillar. The high level of corruption and political influence on the judiciary were stressed over and over again by the international community as main obstacle towards democratic reform, foreign investments and prosperity overall.

In about twenty years of independence, a number of governments have come and gone, each of them pledging to reform the justice sector. All of them unfortunately failed. Undoubtedly some measures have been taken towards the reform, the needed legislative framework was adopted, but actual implementation is weak.

Over the last several years, the Moldovan judiciary has been the beneficiary of significant international investment in infrastructure and in technical assistance, which has provided courts with modern equipment and software and judges with both technical and substantive trainings. At the same time, according to international rankings the Moldovan judiciary remains burdened by the perception among many that judicial independence is compromised by political interference, and is unable to overcome the prevailing public opinion that the judiciary is corrupt.¹ According to the Nations in Transit report, the score for Moldova Judiciary Framework and Independence has slightly improved in 2011 compared to 2010, but has been fluctuating between 4,5 and 4,75 many years between 2003 and 2011.²

This was a clear indicator of the fact that the "small steps" approach was not appropriate for the reform of the justice sector in Moldova. Coupled with lack of a clear vision and coherence in reform agendas, it motivated the new Government to develop a Justice Sector Reform Strategy for 2011-2015 (JSRS). The strategy was welcomed by the civil society and the international community. Even though shortcomings are visible, the Strategy presents itself as a comprehensive reform plan, with clear actions and expected results. It will undoubtedly be of great help to the Moldovan authorities in the reform process, moreover given the fact that the international community has already declared to finance a great part of it.

For more details about the Justice Sector Reform Strategy please visit:

<http://www.justice.gov.md/pageview.php?l=ro&idc=312>

At the same time, one has to keep in mind that the Republic of Moldova has adopted hundreds of strategies and strategic documents adopted. Citizens have heard of just a few, most important ones, such as the Economic Growth and Poverty Reduction Strategy (EGPRS), the Central Public

¹ Judicial Reform Index for Moldova, 2009, American Bar Association

² Nations in Transit report on Moldova, 2011, Freedom House, <http://www.freedomhouse.org/report/nations-transit/nations-transit-2011>

Administration Reform Strategy, National Development Plan and may be a couple of others. The impacts of these strategies was rather modest, or at least at the level of public perception and international rankings. A thorough, comprehensive evaluation of the implementation of these strategies was not performed. Therefore, it remains unclear to what extent these strategies were implemented, what were the results and impacts achieved, what are considerations for the future, etc. This is unfortunately the case of the majority of strategies adopted in Moldova. As a rule, the Government itself performs a monitoring of the progress in implementation of reform strategies. However, usually such monitoring reports are biased, and fail to elaborate on the quality aspects of the reform and focus more on the quantitative ones.

Purpose of the project

The **overall objective** of this action is to strengthen the capacity of the civil society to perform democratic oversight of the reform processes undertaken in the Republic of Moldova.

The **specific objectives** of the action are:

- 1) to develop independent monitoring of the justice sector reform process;
- 2) to increase the public interest towards and information about the reform process of the justice sector;
- 3) to provide useful and timely recommendations to the state authorities regarding the implementation of the JSRS;
- 4) to improve the dialogue between the civil society and officials regarding the reform process of the justice sector;
- 5) to create a solid platform for continuous oversight activities by the civil society in the justice but also other sectors in the future.

The project will concentrate its efforts in monitoring the implementation of the JSRS throughout the country, having 43 observers contracted particularly for the purpose of monitoring the implementation in the field. In Chisinau, experts will also provide input on legislative drafts, adopted laws and regulations, on their conformity with the declared reform objectives and European standards.

2. Rationale for the Mission

The main objective of the mission is to design the Monitoring and Evaluation Framework, which will ensure a successful implementation of the subsequent activities of the project.

Particularly, the international expert, who will work jointly with one national expert is expected to support the project team in developing a M&E methodology which will be used by the 43 observers as well as by the legal experts. The M&E methodology should be accompanied by a concise advocacy toolkit, which shall help the implementing organizations to efficiently advocate their findings and recommendations.

The methodology should be based on best international practices in terms of M&E, and take into account the content and structure of the JSRS, in order for the monitoring reports to be easily followed by interested parties.

Tentatively, the methodology should be composed of the following three parts:

- 1) Section related to monitoring of the implementation of the Justice Sector Reform (following the provisions of the JSRS and Action Plans)
- 2) Section referring to trial monitoring (including mechanisms and specific questionnaires to be filled in by the field monitors)
- 3) Section related to analysis of the draft legal acts developed in the process of justice sector reform

Particular aspects of the methodology will be discussed among experts and the project team during the first mission.

3. Composition and qualification of the mission team

It is proposed that the evaluation team be composed of a senior team leader (international), and one national expert.

The **Team Leader** should have an advanced university degree and at least eight years of work experience in the field of justice and home affairs sector (JHA), with particular focus on designing monitoring and evaluation tools or having conducted evaluation of a justice reform previously.

The team leader will take the overall responsibility for the quality and timely submission of the M&E methodology and the advocacy toolkit to the project partners.

Specifically, the team leader will perform the following tasks:

- Lead and manage the mission;
- Design the detailed monitoring and evaluation scope and methodology (including the methods for data collection and analysis) and of the advocacy toolkit;
- Decide the division of labor within the experts' team;
- Participate in half day presentation and launching conference;
- Lead the one and half day training session on M&E techniques for the observers
- Submit the final version of the M&E methodology and the advocacy toolkit.

The **National Expert** should have an advanced university degree and at least five years of relevant professional experience to this assignment.

Specifically, the national expert will perform the following tasks:

- Design, together with the international expert, the detailed monitoring and evaluation scope and methodology (including the methods for data collection and analysis) and of the advocacy toolkit;
- Provide the international expert with relevant documents, materials and advise on analysis, collection of specific data;
- Participate in half day presentation and launching conference;

- Lead, jointly with the international expert, the one and half day training session on M&E techniques for the observers;
- Submit the final version of the M&E methodology and the advocacy toolkit.

Qualifications of Expert

Qualifications:

Master degree in law, human rights, public policies.

General Professional Experience:

Minimum 8 years of relevant professional experience in justice and home affairs sector. Experience in developing M&E methodologies shall constitute strong advantage.

Specific Skills:

- Fluency in written and oral English. **Good working knowledge of Romanian or Russian language will constitute strong advantage;**
- Excellent understanding of the central public authorities reform strategies and approaches, with focus on justice sector;
- Good communications skills with relevant stakeholders;
- Recent previous working experience in Moldova and Eastern European countries is an advantage.

4. The main expected outcomes/advisory services:

- Detailed M&E methodology and advocacy toolkit designed together with the national experts and the project team;
- Presentation of the M&E methodology during the launching conference;
- One 1,5 days training on monitoring and evaluation conducted for the national observers.

5. Input and Timetable

The total estimated input is **20 working days** delivered **between October 20 and December 20, 2012**. **Two missions** to Chisinau are envisaged: one at the beginning of the project, for the data collection, discussion with relevant stakeholders and preparatory work for the subsequent design of the methodology and another one – for presenting the methodology in a launching conference and conducting the M&E training.

6. Fees and per diems

Fees and per diems will be negotiated with selected Expert based on his/her technical and financial offer.

7. Logistics and On-site support

The project team will provide logistical support to the expert.

8. Reporting

The expert will prepare a mission report per each mission (considering the EU standard for mission reports). Reporting language is English.