



This project is funded by the European Union

## Breaking the Silence:

Enhancing the whistleblowing policies and culture in Western Balkans and Moldova



REGIONAL ANTI-CORRUPTION INITIATIVE

### OPEN CALL FOR APPLICATIONS

Consultancy Title:	Anti-corruption expert with specific expertise in the field of whistleblowing
Duty Station:	Home-based with travel to beneficiary jurisdictions
Eligibility:	Individual consultants or consortia
Language:	English
Contract type:	Framework Agreement
Contract Maximum Value:	€80.000
Application deadline:	May 28, 2020 (23.59 CET)
Starting date:	ASAP (not later than June 22, 2020)
Ending date:	March 31, 2023
Applications to be submitted to	<a href="mailto:vacancy@rai-see.org">vacancy@rai-see.org</a> (please indicate the position you are applying for in the email subject line)

#### I. BACKGROUND AND JUSTIFICATION

Regional Anti-corruption Initiative (RAI) is an intergovernmental regional organization comprised of nine member countries from South East Europe (SEE): Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, North Macedonia, Romania and Serbia; and three observers: Poland, Georgia and Slovenia. Kosovo\* institutions are the beneficiary of RAI activities.

RAI's mission is to lead regional cooperation to support anticorruption efforts by providing a common platform for discussions through sharing knowledge and best practices. RAI acts as a regional hub through which governments of the region combine their efforts to help curb corruption in the SEE.

In 2015, RAI in partnership with the Blueprint for Free Speech published the results of its analysis on whistleblower protection in the SEE in a publication titled 'Whistleblower Protection in Southeast Europe: An Overview of Laws, Practice and Recent Initiatives'<sup>1</sup>. In the meantime, Albania, Kosovo\*, Moldova, Montenegro and North Macedonia passed new whistleblowing laws. Additionally, the EU passed the Directive on the protection of persons who report breaches of the Union law<sup>2</sup> (October 2019), which lays down common minimum standards for the protection of whistleblowers in the EU. With the EU integration as the goal of the Western Balkans<sup>3</sup>, the Directive provides relevant guidance in the field of

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration on Independence

<sup>1</sup>[http://rai-see.org/wp-content/uploads/2015/07/Whistleblower\\_Protection\\_in\\_SEE.pdf](http://rai-see.org/wp-content/uploads/2015/07/Whistleblower_Protection_in_SEE.pdf)

<sup>2</sup><https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937&from=EN>

<sup>3</sup> On the current status of the EU integration of Western Balkans please see: <https://www.europarl.europa.eu/factsheets/en/sheet/168/the-western-balkans>

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whistleblowing protection also to those project beneficiaries who are not members of the EU but strive to become so.

In April 2020, RAI Secretariat commenced implementation of the 3-year regional program titled 'Breaking the Silence: Enhancing the whistleblowing policies and culture in Western Balkans and Moldova', funded by European Union (hereafter: the regional project). The project implementation period is April 2020 – March 2023. An overarching purpose of the project is to help RAI partners in the government and non-governmental sector to: 1. improve the disclosure channels and protection mechanisms for whistleblowers, by strengthening the legislative framework and institutional arrangements, 2. strengthen the capacity of civil society to support whistleblowing through public policy advocacy, public education, legal aid and other support to whistleblowers, and 3. enhance the public awareness, especially of youth, about the importance of whistleblowing in the fight against corruption and educate the public about whistleblower protection mechanisms. The following jurisdictions are beneficiaries of the regional project: Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia. RAI Secretariat will build upon its previous experience in improving whistleblowing practices, as well as results achieved to date in Western Balkans and Moldova.

## **2. ASSIGNMENT**

The Anti-corruption expert with specific expertise in the field of whistleblowing (hereinafter: the Expert) will provide expert support to RAI Secretariat in carrying out the examination of the legislation and institutional arrangements for the protection of whistle-blowers in Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia, and provide recommendations for improvements. The findings and recommendations of this examination will serve as a basis for subsequent advocacy, capacity building and public education activities of the regional project aimed at improving whistleblowing mechanisms and whistle-blower protection in Western Balkans and Moldova.

Under this Framework Agreement, the expert will contribute to the following outcomes, with subsequent outputs:

**Outcome 1:** Disclosure Channels and Protection Mechanisms for Whistleblowers in Public Institutions Improved and Civil Society Capacity Strengthened;

**Output 1.1** – Whistleblowing Laws and Practices in the Beneficiary Jurisdictions Strengthened

**Output 1.2** – Increased Disclosures from Whistle-Blowers through Enhanced Reporting Channels and Strengthened Protection Levels in Selected Public Institutions

**Output 1.3** - Strengthened capacities, peer-to-peer and cross-sectoral exchanges with and among selected public institutions, free legal aid providers, and other identified CSOs

Following the completion of the first phase of the Contracted assignment, the Expert is expected to partake in achieving the Outcome 2 and the subsequent outputs:

**Outcome 2:** General public, professional community and public institutions more sensitized and informed about whistleblowing of the regional project, via the envisioned Outputs:

**Output 2.1:** Strengthened exchange between whistleblowing professionals and representatives of public institutions through RAI Platform.

**Output 2.2:** Improved awareness of general public about whistleblowing.

**Output 2.3:** Outreach and engagement on whistleblowing implemented with a special emphasis on youth population.

The Expert is expected to join RAI team in the implementation of the three-year regional project, contributing with his/her expertise to the regional discourse on the topic of the whistleblowing and help develop new directions and initiatives that will improve the position of whistleblowers in the SEE region

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and Moldova. The regional project will entail different phases, whereas the content of these phases will be defined by the Project team. The Expert is expected to take part in all activities emerging from the regional project implementation, by providing expertise and advice. More specifically, the first phase will entail the following tasks:

1. The examination of the legislation and institutional arrangements for the protection of whistle-blowers in Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia and the production of the Report with recommendations for the improvement of the legislation and institutional arrangements for the protection of whistle-blowers in the aforementioned jurisdictions (June – July, 2020);
2. Stakeholder consultations through means such as on-line surveys, the presentation of findings of the report to stakeholders at RAI events or meetings and/or similar (July – October, 2020);
3. The development of training materials and delivery of the first multi-beneficiary whistleblowing training, as well as the RAI learning platform. Should travel continue to be restricted due to the outbreak of COVID-19, the expert will provide support in the development and delivery of the on-line training (September – October 2020).

### **3. SUPERVISION, REPORTING AND QUALITY CONTROL**

The Expert will operate under the overall supervision of the Head of RAI Secretariat and the immediate supervision of the Project Manager – Anticorruption Expert. The Expert is expected to closely cooperate with Chief Programme and Communications Officer, Chief Finance and Administration Officer in order to ensure compliance with RAI rules and regulations.

All deliverables should be submitted to the Project Manager – Anticorruption Expert. The deliverables should be written in a concise and user-friendly language. Deliverables must be gender mainstreamed.

### **4. ACTIVITIES AND TIMEFRAME**

The regional project started in April 2020 and will last for 3 years. Although the Outcomes are set, activities will be adjusted based on regional circumstances, beneficiary responsiveness, and methodologies applied.

The maximum foreseen number of consultancy days under the offered Framework Agreement is 150. Consultancy days will be dedicated to delivery of project outputs in phases.

The first phase of the engagement will entail the following tasks with the assigned tentative number of consultancy days:

#### **Activity**

#### **Tentative Consultancy Days**

1. Examination of the legislation and institutional arrangements for the protection of whistle-blowers in Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia and production of the Report with recommendations;

Up to 18

2. Stakeholder consultations through means such as on-line surveys, the presentation of findings of the report to stakeholders at RAI events or meetings and/or similar;

Up to 12

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3. Development of training materials and the delivery of training.	Up to 10
<b>Total</b>	<b>Up to 40</b>

The subsequent phases will tentatively include, but will not be limited to: the delivery of trainings at the regional multi-stakeholder events (envisaged 1 event per year – 5 days each), capacity building missions (envisaged 7 missions per year – approximately 2 days each) for the duration of the regional project, and participation in knowledge building, knowledge sharing, outreach and advocacy activities, particularly within the public awareness and education campaign.

### **5. LOCATION AND PERIOD OF ASSIGNMENT**

The Expert will be home-based and travel for purposes of stakeholder consultations and capacity building, once restrictions caused by the outbreak of COVID-19 are lifted. It is expected that the selected expert is engaged as soon as possible, not later than June 22, 2020. The Framework Agreement shall be signed for the period until March 31, 2023.

### **6. BUDGET AND OTHER ARRANGEMENTS**

The maximum value of the Framework Agreement is EUR 80.000, encompassing a maximum of 150 consultancy days and related travel and other expenses. The gross daily rate offered is EUR 400.00.

The expenses under the Framework Agreement will include the following:

- Regional travel and accommodation as required by the Agreement;
- Consecutive/simultaneous interpretation and written translation required for delivery of the assignment.

### **7. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

#### I. Education:

- University degree in Law, Criminal Justice, Political Science or Security studies is preferred.

#### II. Experience and skills:

- Proven record of expert knowledge in the area of anti-corruption and whistleblowing;
- At least 5 years of professional experience in whistleblowing, integrity and/or anti-corruption working with government institutions and civil society;
- Demonstrated experience in carrying out legislative and institutional assessments, as well as the assessment of the impact of legislative and institutional frameworks (needs and gaps assessment), in line with international standards;
- Demonstrated experience in strategic advocacy for the improvement of legislative and institutional frameworks;
- Demonstrated experience in working with different stakeholders: government institutions, public officials, international organizations, and civil society (including the youth groups) in the SEE region;
- Expert level experience working with international organizations or bodies with anticorruption competences;
- Demonstrated experience in the development of training materials and educational tools, as well as in the delivery of training;
- Familiarity with the political, social, economic and security landscape in South East Europe;
- Demonstrated analytical skills with ability to articulate concise and substantiated outputs in the field of anti-corruption;

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- Fluency in English is required. Knowledge of one other language of the region will be considered an advantage.

#### III. Values:

- Demonstrates integrity, fairness and high ethical standards.
- Demonstrates professional competency and is conscientious and efficient in meeting commitments, observing deadlines and achieving results.
- Displays sensitivity and adaptability to culture, gender, nationality, race, religion and age.

#### IV. Competencies:

- Ability to develop and maintain partnerships, internally and outside the organization;
- Be able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- Have strong organizational skills and be capable of initiative and innovation;
- Work well independently and in teams to achieve collective goals through active participation;
- Ability to integrate gender mainstreaming and human rights policies.

## **8. APPLICATION REQUIREMENTS**

**Eligibility** – Individual consultants or consortia. Consortium – a group of two or more physical persons or a legal entity represented by a group of individuals.

Interested applicants must submit the following documents/information in English to demonstrate their qualifications:

- Curriculum Vitae,
- Cover Letter stating how applicant's experience and competencies match those required by the Open Call, and
- Information on availability/commencement date.
- In case the applicant is a Legal Entity, they must supply the Signed Statement of Exclusion (Annex I of this Open Call)

## **9. EVALUATION OF APPLICATIONS**

RAI applies a fair and transparent selection process that takes into account both the technical qualification of the potential consultants as well as the performance at the interview. Candidate applications will be evaluated using a cumulative analysis method taking into consideration the combination of the applicant's education, qualifications and experience. The contract will be offered to the applicant whose offer has been evaluated and determined as: responsive/compliant/acceptable, and having received the highest score during the evaluation based on the criteria defined below.

Top 3 candidates (with highest number of points in the technical evaluation) will be considered for an interview.

#### Evaluation criteria

- Technical evaluation (documents-based) – 60%:
  - Education – qualifying criteria (no points to be allocated);
  - At least 5 years of professional experience in whistleblowing, integrity and/or anti-corruption working with government institutions and civil society – 20%;

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- Demonstrated experience in the development of training materials (or similar educational tools) with delivery of trainings and capacity building events – 15%;
- Proven record of expert knowledge in the area of whistleblowing (substantiated by published papers, reports, etc.) – 15%;
- Demonstrated experience in working with different stakeholders: government institutions, public officials, international organizations, and civil society in the SEE region - 5%;
- Expert level experience with international organizations or bodies with anticorruption competences – 5%;
- Interview – 40%.

## **10. HOW TO APPLY**

Potential applicants may send in questions. Questions shall be sent in English no later than five (5) days before the submission deadline to [vacancy@rai-see.org](mailto:vacancy@rai-see.org). Answers will be provided no later than three (3) days before the deadline for submission. All questions received and related answers will be published on the RAI website in order to give a fair, transparent and equal treatment to all Applicants. Information on senders will not be disclosed.

Full applications with supporting documents shall be sent by midnight of May 28, 2020 (23:59 CET) by email to RAI Secretariat ([vacancy@rai-see.org](mailto:vacancy@rai-see.org)).

Consultancy Title needs to be indicated in the email subject line.

Late and incomplete applications will not be taken into consideration. Only the candidates who are short-listed will be invited for an interview not later than June 8, 2020.

RAI is committed to achieving workforce diversity in terms of gender, nationality and culture. Qualified women, individuals from minority groups and persons with disabilities are equally encouraged to apply.

All applications will be treated with the strictest confidence.

**Annex I**

**Statement of Exclusion**

**<As part of their application, each legal entity must submit a signed declaration using this format. >**

We have examined and accept in full the content of the dossier for <OPEN CALL TITLE>. We hereby accept its provisions in their entirety, without reservation or restriction.

This application is valid for a period of <...> days from the final date for submission of tenders.

**We are not in any of the situations** excluding us from participating in procurement procedure, namely;

- we are not bankrupt or being wound up, or having our affairs administered by the courts, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- we have not been convicted of an offence concerning our professional conduct by a judgment of a competent authority;
- we have fulfilled obligations relating to the payment of social security contributions and the payment of taxes
- we have not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organization, money laundering or any other illegal activity

If required, we can provide the proof usual under the law of the country in which we are established that we do not fall into these exclusion situations.

.....  
<LEGAL ENTITY AUTHORIZED  
REPRESENTATIVE>