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TERMS OF REFERENCE

National Consultant for establishment of the legal framework for collection of sex disaggregated electoral data

Job title:	Legal Consultant
Duty station:	Chisinau, Moldova
Reference to the project:	Democracy Programme / Elections
Contract type:	Individual Contract (IC)
Expected workload:	20 working days
Starting date:	5 May, 2014

1. BACKGROUND:

UNDP Moldova “Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support” is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (Programme) provides continuous assistance to the CEC towards:

- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies to enable them to deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process in Moldova.

One of CEC’s key priorities for the period 2012-2015 is “examination of all existing CEC policies, procedures and institutional legal framework, to ensure the equal access of women and men (the principle of gender) to all electoral processes.”¹

In 2013 the Programme assisted the CEC to conduct the first gender audit for a public institution in Moldova and prepare a gender mainstreaming action plan. The action plan (AP) identifies a number of activities that CEC and other institutions can do to foster gender equality in the electoral realm. The action plan contains important tools and gender indicators for periodical assessment of the progress made on gender equality. The document was officially adopted in December 2013 and integrated into the CEC strategic plan for 2012 -2015.

The document was officially adopted in December 2013 and integrated into the CEC strategic plan for 2012 -2015. To assist CEC with implementation of the AP, the Programme intends to contract two local consultants, one legal consultant and one expert in data production area, to *review and adjust the relevant electoral legal and CEC regulatory framework and design a proper mechanism for regular collection of sex-disaggregated electoral data to be further used by CEC.*

¹ CEC strategic Plan – page 7, <http://www.cec.md/index.php?pag=page&id=66&l=>

These will enable CEC and other stakeholders to evaluate data during future electoral cycles, women's and men's degree of participation in electoral processes, identify and closely monitor the aspects of the electoral process that can and should be improved to enhance their equal participation. Sex disaggregated data might reveal, quantitative and/or qualitative differences between men and women, for example, in voter registration or participation in elections areas.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK:

UNDP is looking for services of a qualified legal consultant ("Consultant") to support CEC in implementation of CEC gender mainstreaming action plan, namely with establishment of the legal framework needed for enabling collection of sex-disaggregated electoral data. Precisely the consultant will perform the following tasks:

- ✓ Acquaint him/herself with relevant documentation and legal framework;
- ✓ Propose a **detailed work plan** and discuss it with the Programme, CEC and the UNDP expert in data production area;
- ✓ **Participate in meetings** with UNDP, CEC and National Bureau of Statistics as well as other stakeholders, as required;
- ✓ **Assess relevant electoral legislation and CEC regulatory framework** (CEC decisions, regulations, instructions, forms, etc.) **with the scope to identify the provisions which require amendments** in order to enable CEC to collect and process sex -disaggregated electoral data throughout all stages of electoral process (election management, candidates, observers, voters etc.);
- ✓ In collaboration with UNDP expert in data production area, **assess from the legal perspective, current electoral data collection procedures** applied by the CEC and lower level electoral management bodies to evaluate whether these procedures are in line with the proposed above amendments, and if the case, propose needed adjustments;
- ✓ In consultation with relevant CEC staff and cooperation with the UNDP expert in data production area, **propose draft amendments to the existing electoral legislation and CEC regulatory frameworks** to enable collection of electoral sex-disaggregated data;
- ✓ In cooperation with UNDP expert in data production area **develop sex-disaggregated forms** to be used for collecting sex disaggregated electoral data;
- ✓ Participate in **identification and compilation**, by the UNDP expert in data production area, **of the list of relevant electoral sex-disaggregated data** to be collected by CEC in the framework of the CEC gender mainstreaming action plan;
- ✓ Assist with **identification of CEC IT systems which will be affected and will require changes** in order to enable collection of sex-disaggregated data through technical means (e.g. which software will require re-programming to enable collection of sex-disaggregated electoral data), as required;
- ✓ **Contribute to drafting by CEC IT division and UNDP IT expert(s) of technical specifications** for the IT software needed for collection of sex-disaggregated electoral data;
- ✓ Perform other task required for successful finalization of the assignment.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE:

	Key deliverables:	Indicative Timetable
1	Report identifying the relevant provisions of electoral legislation and CEC regulatory framework , which require amendment in order to enable CEC to collect and process sex -disaggregated electoral data	5 WD
2	Draft amendments to the existing electoral legislation and CEC regulatory framework enabling collection of sex-disaggregated electoral data drafted and submitted for approval	15 WD

All deliverables should be agreed with CEC and the Programme and be provided in Romanian hard and electronic copy.

The timeframe for the work of the consultant is 20 working days, tentatively planned between 5 May and 6 June 2014. The assignment is to be finished no later than 27 June 2014.

Institutional arrangements

The assignment shall be performed under the direct supervision of the UNDP Electoral Specialist and in close cooperation with the UNDP expert in data production area, relevant CEC staff and other stakeholders. Deliverables will be approved by the designated CEC official and UNDP Electoral Specialist.

Payment will be made in one installment at the end of assignment upon acceptance of all deliverables.

The Consultant will not be provided office space in the premises of the CEC, but will be invited for meetings, discussion and consultations as required.

4. QUALIFICATIONS AND SKILLS REQUIRED

- Master's Degree in Law, Social Sciences or other relevant field
- At least 3 years of experience in legal drafting
- Proven knowledge of gender equality standards and their applicability in Moldovan context
- Previous experience in electoral area will be a strong asset
- Previous experience in carrying out gender assessment of national legal acts and integrating gender issues in programming frameworks will be a very strong asset
- Previous participation in collection, analysis, reporting and use of sex-disaggregated data will be a very strong asset
- Previous experience in working within UNDP or other international organizations will be an asset
- Strong analytical, organizational and interpersonal skills
- Knowledge of Romanian and English (verbal and written) is required

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- a. Proposal: explaining why they are the most suitable for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item)
- b. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.)
- c. Duly completed P11 form and personal CV

Interested female candidates are particularly encouraged to apply.