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TERMS OF REFERENCE

Legal Consultant to ensure legal framework for sex disaggregated electoral data collection

Job title:	Expert in national legislation and regulatory framework
Duty station:	Chisinau, Moldova
Reference to the project:	Democracy Programme / Elections
Contract type:	Individual Contract (IC)
Expected workload:	20 working days between 22 September – 30 November 2014
Starting date:	22 September, 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.

As follow-up, in 2014, the Programme, [in collaboration with the Joint UN Project “Strengthening the National statistical system”](#), will provide CEC with support to implementation of the mentioned Action Plan. Specifically, assistance is planned to establish of a proper functional mechanism for regular collection of sex-disaggregated data during future electoral cycles, as well as pre- and post-election stages.

Collection, further processing and dissemination of such data throughout the future electoral cycles will enable CEC and other stakeholders to analyze women’s and men’s degree of participation in electoral

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

processes, identify and closely monitor the aspects of the electoral process that can and should be improved to enhance their equal participation. Thus, sex disaggregated data will reveal quantitative and/or quantitative differences between men and women, for example, in voter registration, participation in elections, voted and elected candidates for the central and/or local public administration authorities, etc. Also, these data will raise population's awareness on the participants of elections

To achieve this objective, the Programme will provide support to review relevant legal (Electoral Code and other relevant laws) and regulatory framework (CEC decisions, regulations, instructions, forms, etc.) to be amended in order to enable CEC to collect sex-disaggregated electoral data, as well as information on other important dimensions (such as age, residence area, etc.). For that, two types of expertise, legal and statistical (*the latest defined under a separate Terms of Reference*), will be identified and contracted to work as a team and join efforts to obtain the expected results.

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

UNDP is seeking to employ a qualified legal consultant, with relevant expertise, to develop the adjustments to the current legal and regulatory framework which would enable the regular collection of sex-disaggregated electoral data by CEC throughout the electoral process (before, during and after elections).

The results to be produced by the Legal Consultant, combined with outputs to be delivered by the Statistician-Consultant (with expertise in data production), will represent the core elements of the future mechanism for collection of gender sensitive electoral data to be further taken over (and institutionalized) by CEC and used to inform the public on elections and its impact. Such a mechanism will contribute to the implementation of the CEC gender mainstreaming Action Plan.

In order to achieve the envisaged objectives, the sought Legal Consultant, under the overall supervision of the Project and in tight cooperation with CEC and the UNDP Statistician-Consultant, will have the following major responsibilities and perform the following activities:

- **Desk review** through analysis of the background documentation and reference materials;
- Propose **own approach** for the expected activities and detailed **work plan** that encompasses the mentioned objective and discuss them with the Programme, CEC and UNDP Statistician-Consultant;
- Participate in **meetings** with UNDP, CEC and other national stakeholders (e.g. National Bureau of Statistics), as required;
- **Revise the relevant legislation** and CEC **regulatory framework** (CEC decisions, regulations, instructions, forms, etc.) related to the current electoral data collection procedures applied by the CEC and lower level electoral management bodies.
This revision will result in identification of 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.) as recommended by the Statistician-Consultant;
- In consultation with relevant CEC staff and cooperation with the UNDP Statistician-Consultant, **propose amendments** to the existing electoral legislation and CEC regulatory frameworks on electoral sex-disaggregated data collection;
- **Present** the obtained **results** to the national partner and advocate for their further approval/implementation;
- Develop an **activity report** on consultancy undertaken, including stages passed, resources used, results obtained versus expected, impact of obtained results, risks overcome, problems faced, lessons learned, conclusions and next stage recommendations.
- Perform **other** tasks required for successful finalization of the assignment.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE:

	Key deliverables:	Indicative timeframe
1.	Own approach for the expected activities and detailed work plan	1 WD
2.	Report on identified legal provisions of electoral legislation and CEC regulatory framework which require amendments in order to enable CEC to collect and process sex -disaggregated electoral data	7 WD
3.	Draft of amendments to the existing CEC regulatory framework and related electoral legislation enabling collection of sex-disaggregated electoral data	10 WD
4.	Activity report on undertaken consultancy	2WD

Note: The mentioned number of working days has been estimated as being sufficient/ feasible for the envisaged volume of work to be completed successfully and is proposed as a guideline for the duration of assignment, and it can not be used as criteria for completion of work/assignment. The provision of envisaged deliverables approved by the Program and its partners and concerned national stakeholders would be the only criteria for the Contractors work being considered completed and eligible for payment/s.

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

The timeframe for the work of the consultant is 20 working days (40 half working days) tentatively planned between September –November 2014.

Institutional arrangements

The assignment shall be performed under the direct supervision of the UNDP Electoral Specialist and in close cooperation with the UNDP statistician-consultant, relevant CEC staff and other stakeholders. Deliverables will be approved by the designated.

Payments will be disbursed in instalments upon submission and approval of high-quality deliverables and certification by CEC official and UNDP Electoral Specialist, that the services have been satisfactorily performed.

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

Education:

- Master's Degree in Law, Social Sciences or other relevant field

Experience:

- At least 3 years of experience in legal drafting in a relevant to the assignment area (governance, elections, gender, public administration, etc.)
- Experience of collaboration with Government, in particular in area relevant for the present assignment
- Previous experience in participating/undertaking of complex team-works, joint activities, moderating working groups, organizing national/local level consultation events
- Previous experience in working within UNDP or other international organizations will be an asset

Competencies and Skills:

- Proven knowledge of gender equality approach and their applicability in Moldovan legal and regulatory context (would be an asset)
- Strong analytical, organizational and interpersonal skills
- Excellent communications skills in Romanian; Good knowledge of English.

Personal Qualities and other requirements:

- Good interpersonal skills, solid judgment/decision making, initiative and creativity;
- Availability to work with UNDP and Project's national stakeholders during the indicated/approved period;
- Cultural and gender sensitivity.

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 and signed P11 Form including three references, and personal CV