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TERMS OF REFERENCE

- A. Job title:** Three (3) National Consultants on documentation of cases of torture and incorporating the Istanbul Protocol into the training for relevant professionals
- B. Duty station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** November 2014 – January 2015 (up to 30 working days with the possibility of extension)

F. Background:

Moldova signed the *EU-Moldova Visa Liberalization Action Plan*, in which it committed to implement the *National Human Rights Action Plan for 2011-2014*,¹ which contains commitments to prevent and combat all acts of torture and ill-treatment. The *Justice Sector Reform Strategy 2011-2016*² was adopted addressing the problem of torture in its Pillar VI. Related priorities and commitments are established under the *UN-Moldova Partnership Framework (UNPF) 2013-2017*,³ which addresses a number of human rights issues, including torture and ill-treatment and a need to secure the rights of the most vulnerable. Additionally, there are a number of international recommendations on combating torture and related ill-treatment in Moldova, many of which still need to be implemented.⁴ In spite of these recommendations and international commitments, torture and related ill-treatment remain to be a grave human rights violation in Moldova with not all of the aspects of this violation addressed properly and impunity for torture and related ill-treatment remaining one of the most acute problems.

The *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)* provides international guidelines for the assessment of persons who allege torture and ill-treatment, for investigating cases of alleged torture and for reporting findings to the judiciary or any other investigative body. The *Istanbul Protocol* manual includes principles for the effective investigation and documentation of torture, and other cruel, inhuman or degrading treatment or punishment. These principles outline minimum standards for States in order to ensure the effective documentation of torture.⁵

The overall objective of the “Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova” project is to contribute to the prevention of torture and fighting against impunity on the whole territory of Moldova, including Transnistrian region, especially in respect of the most vulnerable women and men in-line with international human rights standards, Justice Sector Reform Strategy (2011 – 2016) and its Action Plan, and National Human Rights Action Plan (2011-2014). The

¹ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=339395&lang=1>

² http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf

³ http://www.un.md/news_room/pr/2012/undaf/United_Nations_Republic_of_Moldova_Partnership_Framework.pdf

⁴ The recommendations of the UN Human Rights Committee (2009), the UN Committee against Torture (2009),⁴ and Universal Periodic Review (2011) on the effective prevention, investigation and prosecution of torture, the Report of the Special Rapporteur, Manfred Novak (2009), following his mission to Moldova.

⁵ Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). <http://www.ohchr.org/documents/publications/training8rev1en.pdf>

project seeks to further strengthen the capacities of national stakeholders in monitoring of, reporting on, prevention and combating of torture, especially against women and men with psychosocial and intellectual disabilities in health care facilities.

One of the activities of the project is supporting the National Institute of Justice for the development of curriculum on documentation of torture and related ill-treatment. The National Institute of Justice (NIJ) was formed in 2006 and is responsible for the initial training of future judges and prosecutors, continuous training of judges and prosecutors in office, training of clerks and bailiffs as well as training of other legal professionals (on contractual basis) that contribute to the administration of justice in RM.⁶ Incorporating the principles of documentation of torture and related ill-treatment, outlined in the Istanbul Protocol, into the educating practices of legal and related professionals is an effective step towards effective prosecution and, further, prevention of torture. Ensuring that cases of torture and related ill-treatment are properly documented, investigated and prosecuted contributes towards a more effective, evidence-based justice system and protection of human rights.

The Project «**Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova**» is funded by the European Union and co-funded and implemented by the United Nations Development Programme in Moldova in consultations with the Office of the UN High Commissioner for Human Rights, the East Europe Foundation and the Soros Foundation – Moldova. The goal of this Project is to contribute to the prevention of torture and fighting against impunity on the whole territory of the Republic of Moldova, including Transnistrian region, especially in respect of the most vulnerable women and men with psycho-social and intellectual disabilities in mental health facilities. The Project also aims at raising capacities of civil society organisations (CSOs) in monitoring and reporting on the implementation of national anti-torture related strategies, plans and application of legislation.

G. Objective:

The objective is to support the NIJ and other relevant higher education institutions to strengthen their capacities in training on the international principles of documenting torture and related ill-treatment against the most vulnerable women and men by the relevant professionals.

H. Scope of work and expected outputs:

The 3 National Consultants will be experts in the following areas:

- One will specialise on medical issues and documentation of torture from a forensic/medical perspective (Consultant on Medical Documentation);
- One will specialise on documentation of torture from a psychological perspective (Consultant on Psychological Documentation), and
- One will provide specific expertise on the legal issues related to the documentation provided in the Istanbul Protocol (Legal Consultant).

The **scope of work** of the National Consultants will be:

- Providing expertise, including theoretical and practical knowledge for developing a training course on documentation of torture and related ill-treatment for the legal professionals at the National Institute of Justice;
- Conducting a needs assessment and feasibility study on incorporating the provisions of the Istanbul Protocol into the curriculum of the State University of Medicine and Pharmacy “N. Testimetanu”.

In order to achieve the objectives and to implement the abovementioned activities the National Consultants shall work together as a team to:

⁶ National Institute of Justice: <http://en.inj.md/>

- Evaluate the existing curricular and training materials of the NIJ related to the documentation of torture;
- Develop a training curriculum for NIJ's training course on documentation of torture and related ill-treatment for the legal professionals (judges and prosecutors) at the National Institute of Justice, incorporating the provisions of the Istanbul Protocol;
- Make a selection of necessary study materials for the training course on documentation of torture and related ill-treatment for the legal professionals at the National Institute of Justice;
- Analyse the possibility of incorporating the provisions of the Istanbul protocol into the curriculum of State University of Medicine and Pharmacy "N. Testimetanu", taking into account, but not limited to, the following information and factors:
 - Training curriculum and materials of the relevant existing courses;
 - Categories of students;
 - Types of faculties;
- Develop and present a final report on the consultancy undertaken;
- Undertake other tasks related to the assignment as requested.

I. Deliverables:

#	Activity	Date of delivery
1	First draft of curriculum for the training course on documentation of torture and related ill-treatment for the legal professionals at the National Institute of Justice submitted	20 November 2014
2	Comments on the curriculum for the training course incorporated and second draft submitted	25 November 2014
3	Draft list of study materials for the training course presented	05 December 2014
4	Final draft of curriculum for the training course, incorporating the final list of study materials for the training course submitted	20 December 2014
5	First draft of feasibility study on incorporation of the Istanbul Protocol into the curriculum of State University of Medicine and Pharmacy "N. Testimetanu" submitted	30 December 2014
6	Final draft of feasibility study on incorporation of the Istanbul Protocol into the curriculum of State University of Medicine and Pharmacy "N. Testimetanu" submitted	15 January 2015
7	Final Report submitted	20 January 2015

The deliverables can be amended or specified for the purposes of the assignment.

J. Organizational Setting:

This is a part-time consultancy. The National Consultants will be based in the office of the National Institute of Justice (NIJ) and will work closely with the management and staff persons of the NIJ. The National Consultants will work under direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst, as well as in close consultation with the OHCHR Human Rights Adviser to the UN Resident Coordinator in Moldova.

In addition, the National Consultants will work in cooperation with project beneficiaries: National Institute of Justice, General Prosecutors Office, Ombudsperson Office, Patients' Advocate, legal professionals and other potential project beneficiaries and other consultants as required.

K. Inputs:

The National Institute of Justice and the UNDP Moldova Justice and Human Rights Programme Analyst will provide the National Consultants with the necessary information and materials for the fulfilment of tasks and will provide support in facilitation of the meetings where necessary.

L. Qualifications and skills required:

Qualifications	Consultant on Medical Documentation	Consultant on Psychological Documentation	Legal Consultant
I. Academic Qualifications:			
Master's Degree or equivalent (5-year university education)	In Medicine, Healthcare, Forensic Medicine or other relevant field	In Psychology, Healthcare or other relevant field	In Law, Human Rights, International Public Law, Medicine or other relevant field
II. Years and sphere of experience:			
At least 3 years of proven professional experience	In forensic medicine, healthcare, medical services provision or other relevant field	In forensic psychology, working with victims of crime, conducting applied research in relation to psychology of victimization related to physical and mental torture and related ill-treatment, medical services provision or other relevant field	In working on the prevention and investigation of torture and related ill-treatment within prosecutor office, implementation of the Istanbul Protocol, judiciary, national torture preventive mechanism (NPM), regional and/or international torture related courts, human rights bodies and NGOs, relevant UN treaty bodies or special procedures or other relevant field
III. Competencies:			

Adheres to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status	√	√	√
Professional understanding of the issue of torture and related ill-treatment	In the context of prevention, documentation, forensic investigation, medical examination	Especially in the context of working with victims of torture, documentation of	In the context of prevention, legal proceedings, documentation, investigation and prosecution
Knowledge of the Istanbul Protocol	Would be an advantage	Would be an advantage	√
Experience and knowledge of anti-torture related issues, actors, stakeholders and principles in the Republic of Moldova	√	√	√
Experience in developing training curricula, methodologies and tools for training activities	√	√	√
IT skills including word processing, presentation software and use of other relevant applications	√	√	√
Knowledge of Romanian and Russian languages	√	√	√
Knowledge of English would be a strong advantage	√	√	√
Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset	√	√	√
IV. Personal qualities:			
Responsibility, creativity, flexibility and punctuality	√	√	√

The United Nations Country Team in the Republic of 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 and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.