

## **TERMS OF REFERENCE**

**Job Title:** UN Human Rights Office (OHCHR): National Consultant to conduct analysis of relevant NHRIs legislation and assessment of the implementation of International Treaty Body Recommendations

**Project Title:** Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations

**Contract type:** Individual Contract

**Duration of assignment:** 1 February 2015- 30 December 2015, up to 110 working days

**Starting date:** 1 February 2015

### **Background**

Beginning July 2008, OHCHR has deployed a Human Rights Adviser, based in the Office of the United Nations Resident Coordinator (UN RC) in the Republic of Moldova. The Human Rights Adviser supports and advises the UN RC Office, United Nations Country Team (UNCT) in Moldova, Government, National Human Rights Institution (NHRI) and civil society in strengthening human rights and human rights based approaches.

In 2015 the OHCHR HRA jointly with UNDP will implement the project Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations, with the financial support of the Norwegian Government. The overall project goal is to contribute to the effective protection and promotion of human rights, equality and non-discrimination in the Republic of Moldova. The project seeks to catalyze the emergence of the strongest possible independent national human rights institutions for Moldova – Ombudsperson Office and Equality Council – and to increase their focus around core strategic human rights goals to maximize their impact.

### **Scope of work**

The Law on Ensuring Equality was adopted in May 2012, a new Law on Peoples Advocate (Ombudsperson) was adopted in April 2014 replacing the previous legal basis of the Moldovan Centre for Human Rights. Although these laws were discussed and drafted in a transparent and inclusive manner, both of them were further amended before the adoption by the Parliament. The amendments provoked discussions and doubts regarding the compliance to the international standards. In addition, some legislative shortcomings have been already identified by the Council on Preventing and Combating Discrimination and Ensuring Equality (EqC) with the application of the existing provisions on practice. Analysis of the both laws, as well as the Law on the EqC's Regulation adopted in December 2012<sup>1</sup> and other relevant legislation and regulations, in light of the international standards and recommendations will be made, presented and debated. The

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<sup>1</sup> <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=346943&lang=1>

results on the analyses will be consulted with civil society and submitted to the responsible State institutions for the strengthening of the legislative framework.

The National Consultant to conduct analysis of relevant NHRI's legislation is sought to work under the supervision of the UN Human Rights Adviser (OHCHR) with the view to contribute to:

1. Strengthening Ombudsperson Office and Equality Council's (EqC) legislative framework
  - Conduct analysis of the new law on Ombudsperson in light of the international norms, rules, guidance and recommendations;
  - Conduct analysis of the Law on Ensuring Equality and the Law on EqC's Regulation based on the experience of its implementation and international standards and provide recommendations.
2. Studies on human rights and equality
  - Elaborate a study on EqC's decisions, their outcomes and appeals against them
  - Elaborate a study on the courts decisions on discrimination issues
3. Assessment of the implementation of International Treaty Bodies' recommendations
  - Conduct analysis of the current state of implementation of all recommendations made by the International Treaty Bodies to the Republic of Moldova
4. Support for procedural compliance by National Human Rights Institution
5. Support for the work of the Office of the United Nations High Commissioner for Human Rights in the areas of relevance for the present engagement.

## **Deliverables**

1. Collecting information on: - compliance with international standards of the Law on the People's Advocate, - on the Law on Ensuring Equality, including relevant related Law (criminal, contraventional, civil) - on EqC's Regulation, - on the EqC's decisions/ outcomes and appeals against them, - on the courts decisions on discrimination issues,	<u>1 February – 10 April 2015</u>
2. Presenting the working methodology for NHRI and EqC Laws studies	<u>1 March 2015</u>
3. Delivery of the first – hand conclusions for the Law on the People's Advocate and of the Law on Ensuring Equality	<u>1 April 2015</u>
4. First Draft analysis on compliance with international	<u>15 May 2015</u>

standards and the implementation of the Law on Ensuring Equality and on the EqC's regulation	
5. First Draft on implementation of the Law on the People's Advocate	<u>31 May 2015</u>
6. First Draft of the study on EqC's decisions/ outcomes and appeals against them	<u>10 June 2015</u>
7. First Draft of the study on the courts decisions on discrimination issues	<u>20 June 2015</u>
8. Collect information on the implementation of International Treaty Bodies' recommendations	<u>20 June – 20 August 2015</u>
9. Presenting the working methodology for international recommendations study	<u>31 July 2015</u>
10. First Draft assessment report on International Treaty Bodies' recommendations	<u>10 September 2015</u>
11. Second Draft Reports ( including additional research and updates): <ul style="list-style-type: none"> <li>- on implementation of the Law on Ensuring Equality and on the EqC's regulation, including on EqC's decisions/ outcomes and appeals against them as well as the courts decisions on discrimination issues</li> <li>- on implementation of the Law on the People's Advocate</li> <li>- assessment report on implementation by Moldova of International Treaty Bodies' recommendations</li> </ul>	<u>30 September 2015</u>  <u>15 October 2015</u>  <u>15 November 2015</u>
12. Support for procedural compliance by National Human Rights Institution	<u>1 October- 30 December 2015</u>
13. Final reports: <ul style="list-style-type: none"> <li>- on implementation of the Law on Ensuring Equality and on the EqC's regulation, including on EqC's decisions/ outcomes and appeals against them as well as the courts decisions on discrimination issues</li> <li>on implementation of the Law on the People's Advocate</li> <li>- assessment report on implementation by Moldova of International Treaty Bodies' recommendations</li> </ul>	<u>1 December 2015</u>  <u>5 December 2015</u>  <u>15 December 2015</u>
14. Comment and inputs into work the framework of the assignment, including terms of reference documents and reporting	As needed/rolling

## **Qualification Criteria**

- Masters degree in law, social sciences, human rights, journalism or other relevant field;
- At least 4 years of practical experience in human rights domain, monitoring activities, conducting research;
- Commitment to human rights;
- Understanding of anti-discrimination law as set out under international, European and domestic law of the Republic of Moldova;
- Knowledge of international norms and standards in the area of the rights of minorities;
- Knowledge and in-depth understanding of the human rights environment in Moldova, its sensitivities and challenges;
- Excellent drafting skills;
- Ability to focus on goals and adapt processes to achieving goals.
- Fluency in Romanian, Russian and English. Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset.
- Adhere 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.

## **Documents to be included in the proposal**

Interested persons should submit the following documents:

### **1. Proposal:**

- (i) Explaining why they are the most suitable for the work;
- (ii) Provide a detailed methodology on how they will approach and conduct the work.

### **2. Financial proposal;**

### **3. Personal CV including past experience in similar projects and the contact details of at least 3 reference persons.**