

TERMS OF REFERENCE

National Legal Consultant to assist the Central Electoral Commission of Moldova in developing the draft Regulation on access to electoral processes

Job title:	National Legal Consultant
Duty station:	Chisinau, Moldova
Reference to the project:	Democracy Programme / Elections
Contract type:	Individual Contract (IC)
Expected workload:	15 working days within 3 months assignment (May – July 2015)
Starting date:	4 May, 2015

1. BACKGROUND:

UNDP Moldova Democracy Programme/Elections (further referred as Programme) is a multi-year institutional development programme that supports strategic development of the Central Electoral Commission of Moldova (CEC) with the aim to strengthen the capacity of electoral administration to deliver professional, transparent and efficient electoral processes. Overarching goal of the Programme is to improve the democracy in Moldova through modernization of the electoral processes, through free and fair elections representing the will of the people and which are fully in line with the international standards and best practices. This objective is to be reached through support in development of the capacities of electoral administration on central, regional and local levels to deliver inclusive and professional elections improved and gender and human rights mainstreamed.

Whilst there are concrete results achieved by now in the area of human rights, a number of issues remain to be addressed further. There is need for further work on extending the number of polling stations equipped with access ramps for wheelchair-bound voters and with facilities for voters with vision impairments. Moreover, there are certain groups of Moldovan citizens, such as persons with mental disabilities, who do not have the right to vote based on a final court decision. CEC requested Programme support in development of electoral policies in line with international human rights standards. As a result of this activity the CEC will also be able to provide proposals to electoral legislation and other policy documents to improve access for disabled persons to elections.

In this regard, CEC, with the support from a local NGO, has worked on the development of a draft “regulation on access to electoral processes”, establishing concrete measures for ensuring accessibility of the electoral processes for voters with various types of disabilities. Now in final stages of the development, the draft document is to be distributed for internal consultations among the relevant CEC department and further adopted by CEC without delays.

2. OBJECTIVES:

The Program intends to contract an experienced legal consultant (“Consultant”) to provide the CEC with the necessary support in finalization of development of the new regulation on access to electoral processes and its alignment to the current normative framework.

Specifically, the Consultant will:

- Review relevant existing legal framework and other available documentation;
- Participate in meetings with CEC representatives;
- Assist CEC with drafting relevant parts of the mentioned draft regulation, in line with national legal techniques¹;
- Support with drafting a brief informative note for the mentioned draft regulation;
- Assist CEC with incorporation of specific provisions from the mentioned draft regulation into relevant existing CEC regulations and instructions;
- Advise CEC with regard to further implementation of the produced draft regulation, including with identification of the current national legal framework that must be amended in order to enable the implementation.

3. **KEY DELIVERABLES AND TENTATIVE TIMETABLE:**

	Key deliverables:	Indicative Timetable
1.	<u>Preparatory Work:</u> <ul style="list-style-type: none"> • Inception study of available information; • Preparation of a detailed work plan to be applied for respective assignment; 	4 – 5 May 2015
2.	<u>Draft regulation on access to electoral processes</u> finalized and submitted for approval;	5 – 19 May 2015
3.	<u>Draft informative note accompanying the regulation on access to electoral processes</u> drafted and submitted for approval;	
4.	<u>Relevant existing CEC regulations and instructions revised and aligned to the provisions of the regulation on access to electoral processes.</u>	1 – 30 July 2015

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 tentatively planned through May – July, 2015.

4. **INSTITUTIONAL ARRANGEMENTS:**

The assignment shall be performed under the direct supervision of the UNDP Project Officer and in close cooperation with designated CEC Staff. Deliverables will be approved by the designated CEC official and UNDP Electoral Specialist.

Payments will be made in two installments:

1. Installment 1: upon approval and certification of the Deliverables 1, 2 and 3 by 20 May 2015 (50% of the total contract amount)
2. Installment 2: upon approval and certification of the Deliverable 4 but no later than 30 July 2015 (50% of the total contract amount)

The Consultant will not be provided office space in the premises of the CEC, but will be invited for meetings, discussion and drafting sessions as required. The Consultant is expected to work closely with the CEC staff.

¹ As specified in Law nr. 780 of 27.12.2001 on legislative acts and other relevant legislation.

5. QUALIFICATIONS AND SKILLS REQUIRED:

I. Academic Qualifications:

- Master's Degree in Law or other related fields;

II. Experience:

- At least 5 years of experience in legal drafting;
- Previous working experience with Moldovan Central Public Administration institutions would be an asset
- Previous experience in drafting normative acts in electoral area will be an asset;

III. Competencies:

- Demonstrated knowledge of electoral legislation of Moldova;
- Knowledge of international human right standards and best practices will be a strong asset;
- Strong analytical, organizational and interpersonal skills;
- Fluency in Romanian and Russian. Knowledge of English will be an asset;
- Skills: Computer literacy and ability to effectively use office technology equipment, IT tools.

6. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING PROPOSALS:

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

1. 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);
2. Financial proposal (in USD, specifying a total requested amount per day, including all related costs, e.g. fees, per diems, travel costs, phone calls etc.);
3. Dully completed and signed P11 Form and at least 3 reference persons.