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TERMS OF REFERENCE

- A. Job Title:** Two National Consultants to undertake training needs assessment (1) of the National Institutions for the purpose of Human Rights Protection and Promotion and (2) capacities assessment of the National Institute of Justice
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening Technical Capacities of the National Institutions for the Human Rights Protection and Promotion
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** July – September 2015
- Senior National Consultant/Team Leader – up to 45 working days
 - National Consultant – up to 35 working days

F. Background:

Discrimination, exacerbated by the dimensions of corruption and a weak system of administration of justice, affects individuals and groups throughout Moldovan society¹. All of this has been recognized at many levels, and find a clear expression e.g. in the recommendations issued to and accepted by Moldova during the Universal Periodic Review (UPR) process, leading to the (amended) National Human Rights Action Plan for the Republic of Moldova. In recent years, a number of institutions tasked with e.g. oversight and accountability have been established in Moldova. In principle, the increasing Nr of institutions in this field is a positive indication of intentions towards increased accountability, oversight and monitoring in relation to key human rights and governance issues, and in ensuring the population with mechanisms of interaction with public institutions especially in cases of violations of even a wider scope of their rights.

These institutions face many different challenges, including e.g. a politicized climate affecting all public institutions; the absence of an embedded “human rights culture” and prevalence e.g. of discriminatory perceptions in society; and, more recently, regional instability tending to shift priorities away from justice and human rights and more in the direction of security and stability. It is of course beyond this programme to impact on or even systematically address these factors, and this means that even though the programme may achieve its stated outcome the overall impact on the life of the institutions may be limited. However, it is generally recognized that these

¹ Examples include ethnic (Transnistrian region, Gagauzian region, Taraclia district and Roma), sexual (LGBT) and gender (women), all of whom experience marginalization and unequal opportunity within a broad range of daily life, as well as in relation to the specific areas mentioned above. In addition, persons suffering from disabilities in various forms are similarly affected – and in one area, persons with mental disabilities in institutions of care, conditions affecting apparently amount to cruel, inhuman or degrading treatment.

mechanisms remain weak and in need of strengthening both institutionally (in terms of mandates, infrastructure and resources) and among their staff (in terms of professional capacity, especially when it comes to undertaking the specialized functions of these institutions), and this, therefore, forms the rationale for this component. In addition to this, there is an obligation in the law for the civil servants to take at least 40 hours of training per year².

Therefore the project is seeking to support the implementation of the relevant human rights reforms, plans and commitments, in order to ensure that the capacities of the national human rights institutions are strengthened, so that they are able to perform their key functions on the human rights monitoring, reporting, promotion and protection.

The overall objective of the project is to improve human rights protection and rule of law, including effective national implementation of European and international instruments in the Republic of Moldova, through the strengthening institutional capacities of key actors in relation to justice and vulnerable groups.

Project seeks to:

Output 1: *Strengthen the capacities of public institutions, which have a mandate in the areas relating to human rights, criminal justice, governance and anti-corruption, in performing their key functions.*

These institutions include:

- Human Rights Centre (Ombudsperson Office) and the National Torture Prevention Mechanism. The Ombudsperson Office has been in operation since 1998. However, all the international missions have recognised that it needs to improve its management, organisational structure and processes, and the legislation should be amended according to the international standards and recommendations. The mission has also concluded that the National Preventive Mechanism (NPM), which is acting under the auspices of the Ombudsperson Office, is not fully functionally and financially independent. As a result, a new law on Ombudsperson Office and NPM was adopted by the Parliament at the end of March 2014.³
- The Equality Council. The first ever members of the Council were elected by the Parliament in 2013, and the Council, as a newly established institution, requires capacity building.
- Patients Advocate in psychiatry institutions. This position had been institutionalized by the Ministry of Health in 2014. This position was piloted since 2012 and the person for this position had been previously elected jointly by the Ombudsperson Office, Parliament, Ministry of Health, UNDP and OHCHR in 2012.
- The Constitutional Court of the Republic of Moldova (CCM) is the sole constitutional jurisdiction authority of the country. CCM guarantees the supremacy of the Constitution ensures the check and balance principle in the State and safeguards the accountability of the State before the citizens. As the highest tribunal ensuring the supremacy of law and protection of human rights and fundamental freedoms, Constitutional Court is undergoing constant processes of modernization, seeking to improve its activity and strengthening its role in the society. Several studies on the legislation related to the CCM are drafted as part of the Justice Sector Reform Strategy⁴ and CCM's competence might be enlarged providing

² Law on Public Officials and the Status of Civil Servant:

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=1>

³ A new law on the Peoples Advocate (Ombudsperson) has been adopted in Moldova on 03 April 2014:

<http://lex.justice.md/md/352794/>. The Law replaced the previous Law on the Parliamentary Advocates as of 17 October 1997. The titles of the positions and the institutions has been changed as well: Peoples Advocate or Ombudsperson instead of the Parliamentary Advocate, and Ombudsperson Office instead of the Centre for Human Rights. The titles Ombudsperson and Ombudsperson Office are used for the purposes of the project and are consistent with the gender equality principle employed by the UNDP.

⁴ Action Plan for the Implementation of the Justice Sector Reform Strategy for the years 2011-2016:

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

possibility for individuals to submit complaints to the Court. The Strategy also envisages the professional capacity building of the CCM's staff persons.⁵

- National Anti-Corruption Centre is a specialized body to prevent and fight corruption, corruption related acts and deeds of corruptive behavior. It was founded in 2002, but underwent major reforms in 2012 following amendments to the national legislation.⁶
- Parliamentary Human Rights Commission must ensure local outreach, situation monitoring, as well as to monitor the implementation of the National Human Rights Action Plan, revise and promote human rights related draft laws.
- National Legal Aid Council has been in operation since 2008 providing legal aid to those in needs on national level, including children, people with a low income, and people from vulnerable groups. The Council carries out a range of tasks relating to monitoring of the legal aid quality and reporting, is organising training courses for the legal aid lawyers and is collecting disaggregated data on legal aid.⁷
- The CPRD independent monitoring mechanism is required as an effect of Moldova's ratification of the UN Convention on the Rights of Persons with Disabilities in 2010, requiring the establishment of a national institutional focal point.⁸ However, the progressive implementation of the Convention was initiated only in 2013. Therefore, the mechanism is not yet officially recognized but exists as an initiative of a group of NGOs since 2013 and they are making their first steps on the CRPD monitoring. The process of its institutionalization is under discussion with the Government and Parliament.
- Ministry of Health, Ministry of Labor, Social Protection and Family and Ministry of Education will be involved in order to strengthen the "governance" and "human rights" components. This should be viewed in light of the fact that these ministries are key public administration institutions for the implementation of and reporting on a good part of international human rights recommendations, and, at the same time, their staff persons were not properly trained yet to perform such kind of work.

Output 2: Strengthen the capacities of the National Institute of Justice.

- National Institute of Justice (NIJ) was created in 2007, according to the Law on National Institute of Justice, adopted on 2006. NIJ is a public institution for education/training of candidates for the positions of judges and prosecutors and continuous training of judges and prosecutors, and others who contribute to the justice⁹.

The project's first and major activity consists of the design and implementation of a systematic training/coaching programme for core staff of the above-mentioned institutions. The aim will be to enhance their capacity to perform effectively in relation to their core functions and mandates. This includes, but is not limited to, the: Results based management (planning, monitoring, evaluation and reporting); documentation and case handling; Information Management (data and findings' analysis); Human Rights Based Approach (HRBA) application; mainstreaming equality and inclusion and gender issues; Advocacy, policy making and the legislative process; and interaction with other stakeholders such as civil society, media, Parliament, State bodies, the general public, victims of violations, and the international community (donors, UN, EU and CoE mechanisms). Strategic planning and programme development could also be addressed. Key processes, such as those relating to law and policy reform and implementation in general and in particular to the UPR, reporting to the human rights bodies and the National Human Rights Action Plan implementation process also should be targeted.

G. Objective and tasks of the assignment:

⁵ Action Plan for the Implementation of the Justice Sector Reform Strategy for the years 2011-2016:

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

⁶ <http://cna.md/en/history>

⁷ <http://www.cnaigs.md/ro/strategii-si-planuri>

⁸ CRPD, Art. 33

⁹ See the webpage of NIJ www.inj.md

The main objective of the assignment is to assess: 1) the training needs of the National Institutions for the purpose of Human Rights Protection and Promotion in Moldova (Output 1) and 2) the capacities of the National Institute of Justice – NIJ (Output 2).

In order to achieve the overall objective of the assignment:

SENIOR NATIONAL CONSULTANT/Team Leader shall perform the following tasks:

- Review the basic documentation related to the assignment in order to identify the areas of intervention and key actors to be involved in the training needs and capacity assessment;
- Develop methodology and tools for training needs assessment of the National Institutions and capacity building needs assessment of the NIJ;
- Undertake training needs assessment of the above listed National Institutions and capacity building needs assessment of the NIJ;
- Develop training needs and capacity building needs assessment report and PPT of the key findings, conclusions and recommendations (both in Romanian);
- Present (at the round table) the findings, conclusions and recommendations of the assessment;
- Provide Executive Summary of the report (up to 5 pages in English)
- Proofread the translated version of the report (in English)
- Interact with the UNDP project team to ensure the compliance with the expected deliverables of the contract;
- Perform other assignment related tasks.

The Senior National Consultant/Team Leader is the responsible for the quality of all deliverables and for the fulfillment of the objectives of the assignment.

NATIONAL CONSULTANT shall perform the following tasks:

- Review the basic documentation related to the assignment in order to identify the areas of intervention and key actors to be involved in the training needs and capacity assessment;
- Provide input on methodology and tools for training needs assessment of the National Institutions and capacity building needs assessment of the NIJ;
- Undertake training needs assessment of the above listed National Institutions and capacity building needs assessment of the NIJ and provide necessary support to the Senior National Consultant;
- Provide input on training needs and capacity building needs assessment report and PPT of the key findings, conclusions and recommendations (both in Romanian);
- Co-present (at the round table) the findings, conclusions and recommendations of the assessment;
- Interact with the Senior National Consultant/Team Leader to ensure the compliance with the expected deliverables of the contract;
- Perform other assignment related tasks.

H. Expected use of the results of the assignment

The results of the assessment will be used to decide on the:

Output 1:

1. Design of the training programme/course for the staff of the targeted national institutions, and
2. Provide advice on the required type, tasks and placing of international advisory support (Chief Technical Assistance –CTA).

Additionally, within the Output 2:

1. The NIJ's capacity building needs assessment will be performed in order to assess which type of capacity building is needed/requested. The NIJ's Capacity Development Plan (CDP) will be developed later based on the capacity building needs assessment.

Depending on the results of the training needs assessment, the main responsibility for the various aspects of planning and implementation of the training programme may be tasked with an International Advisor recruited for this purpose.

His/her placement at the National Institute of Justice (*see Output 2*) may further enable this institution to serve as the institutional platform for anchoring of the programme and, in turn, benefit from the expertise provided and use it for their own enhancement of capacity of key justice stakeholder.

If the decision on contracting the Chief Technical Advisor (CTA) is recommended, then team of consultants should suggest the responsibilities of the CTA, for instance: overall design and coordination of the training programme and capacity building interventions; elaboration of curriculum and training materials for the respective sessions; providing training courses and capacity building interventions; evaluating trainees progress, sessions and trainers; follow up, coaching/consultancy; ensuring coherence throughout the course flow etc.

This would serve as a key resource for mainstreaming of human rights in the NIJ's training curricula for judges and prosecutors at the initial, as well as at the continuous levels. This would enable the NIJ to benefit from the programme, and in turn be capacitated to enhance the professional competence of the justice institutions in line with the programmes' objectives.

I. Details of how the work should be delivered

To achieve the above-mentioned objective and tasks, the Senior National Consultant, supported by the National Consultant, will take leadership and responsibility for the provision of required services in close co-operation with the UNDP project team.

Tentative work plan and deliverables

The general objective and tasks should be achieved through activities that include, inter alia, but are not limited to the following work plan and deliverables:

Tabel 1. Tentative work plan and deliverables

Nr.	Activity	Deliverables	Duration Days		Tentative deadlines*
			Senior National Consultant	National Consultant	
1.	<ul style="list-style-type: none"> Develop methodology for National Institutions (NI)' training needs assessment Develop methodology and tools for NIJ's capacity building needs assessment <i>Input from UNDP project staff</i> 	<ol style="list-style-type: none"> 1. Methodology fine-tune for NI's training needs assessment. 2. Methodology fine-tune for NIJ's capacity building needs assessment 	5	4	Within 15 days from the contract commencement
2.	<ul style="list-style-type: none"> Desk review of the background documents, informational resources, Develop data collection instruments/questionnaires for training needs and capacity 	<ol style="list-style-type: none"> 3. Data collection tools /questionnaires for training needs and capacity building needs 	10	8	Within 1 months from the contract

	building needs assessment of NIs and NIJ. • <i>Input from UNDP project staff</i>	assessment of NIs and NIJ			commencement
3.	• Conduct field assessment, focus group discussions, interviews and consultations with the key targeted NIs, National Institute of Justice and UNDP Project team, as well as other stakeholders, for instance CoE; • Debrief with the key stakeholders and UNDP project team on preliminary findings on needs assessment	4. Brief report on data collection, including: field notes, interview notes etc. 5. Round table – PPT presentation of preliminary findings on needs assessment	10	8	Within 2 months from the contract commencement
4.	• Data analysis; • Draft report on the training needs assessment of NIs and capacity building needs assessment of NIJ • <i>Input from UNDP project staff</i> • Incorporate the feedback from UNDP project team and finalize report on the training needs assessment of NIs and capacity building needs assessment of NIJ	6. Draft Needs Assessment Report in Romanian submitted to UNDP project team 7. Executive Summary of the Needs Assessment Report (in Eng) 8. Final training needs assessment (of NIs) and capacity building needs assessment (of NIJ) Report 9. Proof reading of the translated version of the final assessment report	20	15	Within 3 months from the contract commencement
Total			45	35	

* Exact deadlines will be mutually agreed upon contract signature.

Reporting requirements

At the end of the assignment, the contracted institution should submit the final needs assessment report, which should be written in a straightforward manner, in Romanian, of maximum length of 35-40 pages, including the Executive Summary, but excluding Annexes.

The tentative structure of the report could be the following:

- Cover page
- Table of contents
- Executive summary (about 4 pages).
- Main body of the report
 - Overview of the objectives of the assignment
 - Findings and Conclusions related to:
 - Training Needs Assessment of the National Institutions
 - Capacity Building Needs Assessment of the NIJ

- Synergy with other relevant development initiatives
- Intervention logic of the project
- Strategic and Operational Recommendations related to:
 - Training course (framework, outlines, methodology, tools) for the National Institutions
 - Capacity Building Plan for the NIJ
 - Advisor/Chief Technical Advisor involvement
 - Synergy with other relevant development initiatives
 - Other recommendation for increasing the effectiveness and efficiency of the UNDP project interventions
- Annexes
 - Terms of Reference
 - CV of the Consultants
 - Methodology applied (phases, methods of data collection, sampling etc.)
 - Documentation and links consulted
 - List of stakeholders interviewed with the dates of interviews
 - Other technical annexes (statistical analysis)

Should it consider appropriate, the contracted institution could add other additional topics in the structure of the final needs assessment report.

J. Organizational Setting:

The selected organization will work under direct supervision of the UNDP Project team, which will regularly communicate with the selected organization and provide feedback and guidance on performance and all other necessary support to achieve objectives of the assignment, as well as remain aware of any upcoming issues related to expert's performance and quality of work performed.

K. Inputs:

To achieve the above-mentioned objective and tasks, UNDP project team will facilitate the contact with the key stakeholders mentioned above, which will be involved in the implementation of the assignment and will provide timely feedback to all deliverables presented by the contractor. If need be, UNDP will provide support in contacting other relevant stakeholders during the assessment process.

L. Confidentiality:

Materials provided to the consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

M. Qualifications and experience

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in public Administration, Management, Social Sciences, Human Rights, Law or other relevant field;

II. Experience and competences:

Senior National Consultant/Team Leader:

- Minimum of 7 years of experience in assessment of/research and/or consulting within the similar development initiatives;
- Proven experience in capacity building (trainings, consultancy) on management of public institutions;

- Previous work with Moldovan Government/Public Officials, UNDP or other UN agencies;
- Good working command of English and Romanian.
- Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset.

National Consultant

- Minimum of 5 years of experience in assessment of/research and/or consulting within the similar development initiatives;
- Proven experience in capacity building (trainings, consultancy) on management of public institutions;
- Previous work with Moldovan Government/Public Officials, UNDP or other UN agencies is an asset;
- Good working command of Romanian.
- Working knowledge of English, one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset.

III. Personal qualities: responsibility, creativity, flexibility and punctuality.

The United Nations Development Programme in 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.