

## TERMS OF REFERENCE

- A. Job Title:** National Consultant on human rights and diversity mainstreaming into national sectorial policies and legislation in the Republic of Moldova
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** July 2015 – November 2016 (up to 100 working days)

### F. Background:

The Republic of Moldova is a State-Party to the majority UN and CoE human rights treaties. The *National Human Rights Action Plan for 2011-2014*<sup>1</sup> contains commitments to protect and advance specific human rights taking into account the recommendations of the UN treaty bodies and a number of UPR recommendations. Related priorities and commitments are established under the *UN-Moldova Partnership Framework (UNPF) 2013-2017*.<sup>2</sup> Reform of the National Human Rights Institutions is prioritized at the highest level of government. The Equality Council and Ombudsperson Office are the two major national human rights institutions in the Republic of Moldova (RM) working specifically on the issues of equality, non-discrimination and human rights protection and promotion.

In May 2012, the Parliament of the RM passed the Law on Ensuring Equality,<sup>3</sup> stipulating the establishment of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council)<sup>4</sup> to ensure protection against discrimination and ensure equality of all persons who consider themselves to be victims of discrimination, as well as revise individual complaints and deliver decisions on them. As a newly established institution, the Council is in need of institutional strengthening and capacity building in human rights, equality, case management, as well as maximization of its impact on human rights and diversity.

In April 2014, the Parliament of the RM passed a new Law on the Peoples Advocate (Ombudsperson)<sup>5</sup>. As a result of a number of institutional weaknesses, the Ombudsperson Office remains insufficiently known among the public-at-large, and not sufficiently powerful to act as Moldova's main human rights institution. Therefore it is in need of institutional capacity building and mainstreaming of human rights based approach into its work, as well as support towards maximization of its impact on human rights and diversity.

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

<sup>2</sup> <http://www.un.md/publicdocget/42> and <http://www.un.md/publicdocget/44>

<sup>3</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346943>

<sup>4</sup> <http://egalitate.md/index.php?l=en>

<sup>5</sup> Law on Peoples Advocate (Ombudsperson), passed on 03 April 2014, published on 09 May 2014:  
<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=352794&lang=1>

The overall objective of the project *“Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations”* is to contribute to the effective protection and promotion of human rights, equality and non-discrimination in the Republic of Moldova with particular attention to women, minorities, marginalised and vulnerable groups. The project is funded by the Norwegian Ministry of Foreign Affairs, co-funded and implemented by the UNDP Moldova and the Office of the UN High Commissioner for Human Rights (OHCHR), in cooperation with the Ombudsperson Office and Equality Council.

#### **G. Objective:**

The main objective is to maximize the impact of Equality Council and Ombudsperson Office in the areas of human rights and diversity mainstreaming into national sectorial policies and legislation.

#### **H. Scope of work and expected outputs:**

The **scope of the work** of the National Consultant will consist in working together with the International Consultant in relation to the analysis of sectorial policies and legislation of the RM as to ensure their compliance with human rights and equality principles and further elaborating proposals for mainstreaming the human rights based approach and providing follow-up support to Equality Council and Ombudsperson Office.

In order to achieve the objective the National Consultant shall:

- Support the International Consultant, with conducting research and translation of information, national legislation, research specific to Moldova, where necessary;
- Work closely with the International Consultant to identify the specific needs of the Equality Council and Ombudsperson Office for the “Methodology for reviewing already existing and newly proposed sectorial policies, strategies and legislation to ensure their compliance with human rights, equality and diversity principles and further human rights mainstreaming” (from hereinafter Methodology):
- Provide substantive inputs for the Methodology and facilitate consultations with the relevant staff of the Equality Council and Ombudsperson Office and other relevant institutions in a timely and efficient manner as relevant for the task;
- Facilitate and ensure delivery of the final, clean and usable Methodology in Romanian language;
- Work closely with the International Consultant to organise and co-facilitate one hands-on, interactive training on the use of the Methodology for relevant Equality Council and Ombudsperson Office staff;
- Provide continuous support and coaching to relevant staff of the Equality Council and Ombudsperson Office on applying the Methodology for review of already existing and newly proposed policies and laws;
- Where necessary, hold consultation meetings with other relevant governmental bodies and stakeholders;
- Where relevant, work closely with other Consultants contracted within the project;
- Develop and provide activity reports and other narrative progress reports as specified in the deliverables for the assignment;
- Undertake other related tasks for the purposes of the assignment.

**I. Deliverables:**

	<b>Deliverable</b>	<b>Deadline</b>
2.	First draft of Methodology presented to Ombudsperson Office, Equality Council and UNDP (max 20 pages)	30 August 2015
3.	Final methodology presented to Ombudsperson Office, Equality Council and UNDP	30 September 2015
4.	One two-day training for staff of Equality Council and Ombudsperson Office organized and conducted	30 November 2015
6.	Analysis of at least 5 normative acts finalized by Equality Council and Ombudsperson Office completed	01 October 2016
7.	Final report on consultancy undertaken submitted to UNDP	15 October 2016

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

**J. Organizational setting:**

This is a part-time consultancy. The National Consultant will be based in the office of the Equality Council and Ombudsperson Office as relevant for the specific tasks. The Consultant will work closely with the management and staff persons of these institutions, and collaborate closely with the International Consultant contracted for the purposes of the task.

The National Consultant 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.

**K. Inputs:**

The Equality Council, Ombudsperson Office and the UNDP Moldova Justice and Human Rights Programme Analyst will provide the National Consultant with the necessary information and materials for the fulfilment of tasks, with the consultations on the human rights based approach application, and will provide support in facilitation of the meetings where necessary.

**L. Qualifications:****I. Academic Qualifications:**

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

**II. Years and sphere of experience:**

- At least 3 years of proven professional experience in a legal area, legal analysis, human rights or other relevant field;

**III. Competencies:**

- Demonstrable experience carrying out review of legislation and policies;
- Demonstrable knowledge of the Human Rights Based Approach and its application in legislation, policies and practices;
- Demonstrable extensive knowledge of legislation and policy drafting/preparation processes in the Republic of Moldova;
- Working experience or academic knowledge of National Human Rights Institutions in the Republic of Moldova is a strong asset;
- Effective communication and strong analytical skills;

- Fluency in English, Romanian and Russian;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;

IV. Personal qualities:

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Punctuality;
- Attention to detail.

The UNDP 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.