

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **16 June 2015**

Country: Republic of Moldova

Description of the assignment: National Consultant on Individual Complaints to UN Treaty Bodies

Project name: Strengthening Rule of Law and Human Rights Protection in Moldova

Period of assignment/services: July 2015 – September 2015 (up to 15 working days)

Proposals should be submitted online by pressing the "Apply Now" button no later than 28 June 2015.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: natalia.voronova@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. BACKGROUND:

Strengthening the democratic governance and human rights protection mechanisms in the Republic of Moldova is a priority for both the Austrian Development Agency enshrined in its Country Strategy 2011-2015¹ and for the UNDP Moldova enshrined in the United Nations Partnership Framework 2012-2017.²

The National Human Rights Action Plan 2011-2014,³ revised in December 2012, was elaborated and adopted by the Parliament of the Republic of Moldova to ensure human rights promotion and protection in the country, including the gradual progress of joining international human rights protection treaties and mechanisms, strengthening the national legal framework, and implementation of UPR recommendations for Moldova. The government of the Republic of Moldova needs to be supported in the implementation of reforms using and applying best international practices and experiences.

The revised NHRAP includes an action related to the implementation of the UN treaty body decisions. The Ministry of Justice and the Ministry of Foreign Affairs and European Integration are listed as responsible parties for this action. The United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) have made commitments to support this work.

The Strengthening Rule of Law and Human Rights Protection in Moldova Project is funded by the Federal Ministry for Europe, Integration and Foreign Affairs of Austria, co-funded and implemented by the UNDP Moldova in cooperation with the OHCHR.

¹ See Area 2.1.3: http://www.entwicklung.at/uploads/media/CS_Moldova_2011-2015_01.pdf

² See Pillar 1: Democratic Governance, Justice, Equality and Human Rights: <http://www.un.md/publicdocget/42>

³ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=339395&lang=1>

2. OBJECTIVE:

The main objective is to conduct a comprehensive feasibility study on the adjustment of national legislation to ensure the enforcement of decisions of the UN treaty bodies.

3. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK:

In order to achieve the objective, the National Consultant shall:

- Study the national and international legislation and experiences of other States on enforcement of decisions of UN treaty bodies on individual communications (complaints);
- To draft a clear, accessible and usable report on the findings of the study, including proposals for needed adjustments of national legislation, evaluation of financial implications, and the recommendations for ways forward;
- Hold consultations with the Ministry of Justice and Ministry of Foreign Affairs and European Integration, other relevant State bodies, civil society, relevant UN agencies and other relevant international and national organizations on the draft study and integrate their feedback into the report;
- Submit the draft study to the the Ministry of Justice and Ministry of Foreign Affairs and European Integration, UNDP and OHCHR, factor in feedback, and present and validate the respective study in a multi-stakeholder technical meeting of the public bodies and civil society in view of gathering participants' feedback and advocating for the implementation of the study recommendations;
- Factor in the feedback collected during the validation meeting into a final version of the Study and submit it to the Ministry of Justice and Ministry of Foreign Affairs and European Integration, UNDP and OHCHR;
- Present the final results of the study at a roundtable workshop and advocate for the implementation of the recommendations of the study.

For detailed information, please refer to Annex 1 – Terms of Reference.

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS:

I. Academic Qualifications:

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

II. Years and sphere of experience:

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

III. Competencies:

- Demonstrable extensive knowledge of international human rights law, in particular as concerns to UN Treaty Bodies;
- Knowledge of the UN treaty bodies individual communications (complaints) mechanisms is a strong advantage;
- Extensive demonstrated experience in drafting human rights and legal related studies and reports;
- Effective demonstrable communication and strong analytical skills;
- Excellent demonstrable public speaking and presentation skills;
- Previous successful experience of working with UN agencies is an advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- 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.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

Interested individual consultants must submit the following documents/information in Russian, Romanian or English to demonstrate their qualifications:

1. Personal information (as a detailed CV or as a Personal History Form /P11) including records on past experience in similar projects/assignments and concrete outputs obtained, including 3 names of reference persons and their contacts;
2. Cover letter, which should include:
 - a. A list of analytical studies, reports, legal analysis, or other task related assignments/documents the candidate has elaborated or contributed to, as well as experience working for or with relevant institutions and organizations;
 - b. Financial proposal (in USD, specifying a total **lump sum** amount taking into account anticipated number of working days).

6. FINANCIAL PROPOSAL:

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this **lump sum** amount (including travel, per diems, and number of anticipated working days).

Payment will be made upon acceptance of deliverables by the UNDP Moldova Justice and Human Rights Programme Analyst.

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

No travel costs are envisaged under this assignment.

7. EVALUATION:

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, International Public Law, International Relations or other relevant field;
- At least 3 years of proven professional experience in a legal area, legal analysis or other relevant field.

The short-listed individual consultants will be further evaluated based on the following methodology:

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

a) Responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master's Degree or equivalent (5-year university education) in Law, Human Rights, International Public Law, International Relations or other relevant field	(Master – 20 pts., PhD – 30 pts.)	30
At least 3 years of proven professional experience in a legal area, legal analysis or other relevant field	(3 years – 30 pts., 3-5 years – up to 35 pts., 5-7 years – up to 40 pts., more than 7 years – up to 50 pts.)	50
Demonstrable extensive knowledge of international human rights law, in particular as concerns to UN Treaty Bodies	(no – 0 pts., to some extent – up to 25 pts., yes/extensive – up to 50 pts.)	50
Knowledge of the UN treaty bodies individual communications (complaints) mechanisms	(no – 0 pts., to some extent – up to 15 pts., yes/extensive – up to 30 pts.)	30
Extensive demonstrated experience in drafting human rights and legal related studies and reports	(no – 0 pts., to some extent – up to 20 pts., yes/extensive – up to 45 pts.)	45
Effective demonstrable communication and strong analytical skills	(no – 0 pts., yes – up to 30 pts.)	30

Excellent demonstrable public speaking and presentation skills	(no – 0 pts., yes – up to 20 pts.)	20
Previous successful experience of working with UN agencies	(no – 0 pts., yes – up to 10 pts.)	10
Knowledge of Romanian, Russian, English and other languages relevant for Moldova	(Romanian, Russian, English – 10 pts. each, other language relevant to Moldova – 5 additional pts.)	35
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCE (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS