

TERMS OF REFERENCE

- A. Job Title:** National Consultant on legal technics, analysis, argumentation and Equality Council decisions drafting skills
- 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 – October 2016 (up to 160 working days)

F. Background:

The Equality Council is a newly established institution tasked with the revision of the individual complaints about discrimination and delivering of decisions on them. Most of the members and lawyers-staff persons of the Council do not have previously dealt with individual complaints and case management. Therefore there is a room for the improvement of the case management on the different stages and speeding up the delivery of decisions. Since the start of its work in September 2013 and up until the middle of September 2014 the Council has received 167 complaints,¹ delivered 48 decisions on 76 complaints and is having a backlog of 45 complaints.² In addition to this, the Council is becoming more well-known in the Republic of Moldova and it is expected that more people will address the Council and the amount of complaints will grow. Therefore the Project will support the Council in strengthening its case management also through training and coaching consultancy in legal technics, analysis, argumentation and Equality Council decision drafting skills.

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 strengthen the capacities of the Equality Council in the delivery of well drafted decisions on individual complaints about discrimination.

H. Scope of work and expected outputs:

The **scope of the work** of the National Consultant will consist in the identification of gaps in the

¹ Out of the 168 complaints, 38 complaints were inadmissible, 5 complaints were called back by the applicants, 3 complaints were forwarded to other State institutions according to their competency.

² The data provided by the Equality Council.

decision drafting skills, training and coaching of Equality Council members and relevant staff in legal technics, analysis, argumentation and Equality Council decisions drafting skills.

In order to achieve the objective the National Consultant shall:

- Make a thorough analysis of:
 - how decisions and separate opinions are drafted in the Equality Council;
 - texts of the adopted decisions and separate opinions;
 - judicial decisions taken following the decisions of the Equality Council;
- Identify the needs for improvement of decisions drafting processes, argumentation and legal technics used for drafting by the Equality Council;
- Draft a concise, clear and practical report on the findings and recommendations on the improvement of decisions drafting processes, argumentation and legal technics used for drafting by the Equality Council;
- Elaborate a concise, clear and usable guidelines/methodology for the Equality Council on the legal analysis, argumentation, technics and decisions drafting skills taking best national and international experiences (including but not limited to the UN treaty bodies, ECtHR etc.);
- Elaborate training materials, prepare, organise and lead training courses for the Equality Council on the application of the guidelines/methodology;
- Provide support and coaching to the relevant Equality Council staff on applying the guidelines/methodology and thus strengthening the legal analysis, argumentation, technics and decisions drafting skills;
- Work closely with the Equality Council members and relevant staff for the purposes of the assignment;
- Where necessary, hold consultation meetings with relevant actors and stakeholders (Equality Council applicants, judges, defence lawyers, NGOs, etc.);
- Where relevant, work closely with other Consultants contracted within the project;
- Undertake other related tasks for the purposes of the assignment;
- Develop and provide regular bi-monthly activity reports and other narrative progress reports as specified in the deliverables for the assignment.

I. Deliverables:

	Deliverable	Deadline
1.	Draft report (max 10 pages) on the needs for the improvement of decisions drafting processes, argumentation and legal technics used for the drafting delivered to the Equality Council and UNDP	01 September 2015 (up to 20 working days)
2.	Meeting organised and presentation delivered for the Equality Council on the draft report and feedback collected	15 September 2015 (up to 1 working day)
3.	Feedback incorporated and final report delivered to the Equality Council and UNDP	21 September 2015 (up to 3 working days)
4.	First draft guidelines/methodology (max 15 pages) on the legal analysis, argumentation, technics and decisions drafting skills delivered to the Equality Council and UNDP	25 October 2015 (up to 20 working days)
5.	Feedback incorporated and second draft guidelines/methodology delivered to the Equality Council and UNDP	30 October 2015 (up to 3 working days)
6.	Training materials elaborated and training course prepared, organised	10 November 2015

	and delivered for the Equality Council on the application of the second draft of guidelines/methodology	(up to 5 working days)
7.	Support and coaching provided to the Equality Council on the application of the guidelines/methodology	Throughout of the assignment (up to 93 working days)
8.	Third draft of the guidelines/methodology, based on the training, support and coaching experience, delivered to the Equality Council and UNDP and feedback collected	01 May 2016 (up to 3 working days)
9.	Feedback incorporated and final guidelines/methodology delivered to the Equality Council and UNDP	10 May 2016 (up to 2 working days)
10.	Training materials improved and training course prepared, organised and delivered to the Equality Council on the application of the final guidelines/methodology (activity to be organised if requested by the Equality Council)	30 May 2016 (up to 4 working days)
11.	Bi-monthly activity reports on consultancy undertaken submitted to the UNDP	Every last day of each second month starting with August 2015
11.	Periodical narrative activity reports on consultancy undertaken submitted to the UNDP	10 December 2015, 31 May 2016 (up to 2 working days for each report)
12.	Final narrative activity report on consultancy undertaken submitted to the UNDP	25 October 2016 (up to 2 working days)

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 will work closely with the management and staff persons of the Council. The National Consultant will work under the direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst, as well as in consultation with the OHCHR Human Rights Adviser to the UN Resident Coordinator in Moldova.

K. Inputs:

The Equality Council 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 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 legal area, legal analysis, justice, human rights or other relevant field;

III. Competencies:

- Demonstrable experience in the area of legal analysis, argumentation and drafting decisions;
- Demonstrable extensive knowledge of legislation and policy drafting/preparation processes in the Republic of Moldova is an asset;
- Relevant working experience in judiciary, relevant academic experience or relevant consultancy is a strong advantage;
- Effective communication, training, coaching and strong analytical skills;
- Fluent knowledge of Romanian for the purposes of the assignment. Knowledge of English and Russian is a strong asset. 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 details.

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.