

TERMS OF REFERENCE

- A. Job Title:** International Consultant on review of legislation and policies and mainstreaming the Human Rights Based Approach
- B. Duty Station:** Home-based with field missions to the 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:** August 2015 – December 2015 (up to 40 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*¹ 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*.² 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,³ stipulating the establishment of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council)⁴ 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)⁵. 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.

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

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

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

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

⁵ 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 International Consultant will consist in providing expertise 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, as well as ensuring follow-up training of the relevant staff members of the Equality Council and Ombudsperson Office.

In order to achieve the objective the International Consultant shall:

- Undertake research and prepare a study on applying the Human Rights Based Approach in review of national legislation and policies including a review of best practices using regional and international examples;
- Work closely with the relevant staff of the Equality Council and Ombudsperson Office to identify their specific needs in developing 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):
 - Draft a clear, accessible and usable Methodology, in consultation with the relevant staff of the Equality Council, Ombudsperson Office and other involved authorities, if necessary;
 - Contribute to the elaboration of relevant methodologies and/or guidelines regarding the compliance with human rights, equality and diversity principles and further human rights mainstreaming within sectorial policies and strategies drafted by other public institutions;
- Prepare, organize and lead one hands-on, interactive training on the use of the Methodology for relevant Equality Council and Ombudsperson Office staff;
- Provide support 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 relevant governmental bodies and stakeholders;
- Work closely with the National Consultant contracted for the purposes of the assignment;
- 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:

	Deliverable	Deadline
1.	Study on applying the Human Rights Based Approach in review of national legislation and policies including a review of best practices using regional and international examples submitted (max 10 pages)	15 August 2015 (up to 8 working days)
2.	First draft of Methodology presented to Ombudsperson Office, Equality Council, UNDP and other relevant governmental bodies and authorities, if necessary; (max 20 pages)	15 September 2015 (up to 10 days)
3.	Final Methodology presented to Ombudsperson Office, Equality Council, UNDP and other relevant governmental bodies, if necessary	15 October 2015 (up to 10 days)
4.	One two-day training for staff of Equality Council and Ombudsperson Office organized and conducted	20 November 2015 (up to 5 days)
5.	Support for elaboration of relevant methodologies and/or guidelines regarding the compliance with human rights, equality and diversity principles and further human rights mainstreaming within sectorial policies and strategies drafted by other public institutions provided	01 December 2015 (up to 5 days)
6.	Final report on consultancy undertaken submitted to UNDP	01 December 2015 (up to 2 days)

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

Payment will be made in three instalments:

- 1) First instalment following the completion of the 1st activity based on the study and recommendations submitted to the UNDP Moldova Justice and Human Rights Programme Analyst;
- 2) Second instalment following the completion of 2nd and 3rd activities;
- 3) Third instalment following the delivery of 4th activity and presentation of the final narrative report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

J. Organizational setting:

This is a part-time consultancy. The 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.

The International Consultant will undertake two missions to Moldova:

- First mission for 5 days in August - September 2015 for purposes of discussions of the needs of the Ombudsperson Office and Equality Council, meetings with relevant stakeholders and presenting the draft methodology;
- Second mission for 5 days in October-November 2015 for the purposes of delivering the training.

The rest of the assignment will be completed home-based for the amount of days specified in the deliverables.

K. Inputs:

The Equality Council, Ombudsperson Office and the UNDP Moldova Justice and Human Rights Programme Analyst will provide the International 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 7 years of proven professional experience in analysis of policies, strategies and legislation in line with the International Human Rights standards in the CEE and CIS region;

III. Competencies:

- 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 is an asset;
- Working experience or academic knowledge of National Human Rights Institutions is an asset;
- Demonstrable experience preparing and carrying out trainings and/or capacity building activities;
- Effective communication and strong analytical skills;
- Fluent knowledge of English for the purposes of the assignment;
- Knowledge of Romanian and/or Russian 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 are particularly encouraged to apply.