

## TERMS OF REFERENCE

- A. Job Title:** International Consultant for coaching and training the Equality Council of Moldova on application of non-discrimination principles in decision-writing
- 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:** September 2015 – October 2016 (up to 50 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,<sup>1</sup> delivered 48 decisions on 76 complaints and is having a backlog of 45 complaints.<sup>2</sup> 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 delivering well drafted and legally motivated decisions on individual complaints regarding discrimination.

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

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<sup>1</sup> 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.

<sup>2</sup> The data provided by the Equality Council.

The **scope of the work** of the International Consultant will consist in provision of advice, training and coaching of Equality Council members and relevant staff in analysis, and legal argumentation of strategic cases on discrimination.

In order to achieve the objective the International Consultant shall:

- Make a thorough analysis of how non-discrimination principles are applied in decisions and separate opinions drafted by the Equality Council;
- Identify the needs for improvement of application of non-discrimination principles in decisions drafting processes and legal analysis by the Equality Council;
- Draft a concise, clear and practical report on the findings and recommendations on the improvement of application of non-discrimination principles in decisions drafting processes and legal analysis by the Equality Council;
- Elaborate a concise, clear and usable guidelines/methodology for the Equality Council on the application of non-discrimination principles in decisions drafting processes and legal analysis by the Equality Council taking best international practice into account;
- Elaborate training materials, prepare, organise and lead two 2-day 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;
- 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;
- 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 activity reports and other narrative progress reports as specified in the deliverables for the assignment.

#### **I. Deliverables:**

|    | <b>Deliverable</b>   | <b>Deadline</b>   |
|----|--|---|
| 1. | Draft report (max 10 pages) on the needs for the improvement of application of non-discrimination principles in decisions drafting processes and legal analysis by the Equality Council submitted to UNDP and Equality Council | <b>10 September 2015</b><br><br>(up to 10 days, including a 3-day mission and 7 days home-based/online) |
| 2. | Training materials elaborated and the first 2-day training course for the Equality Council prepared and delivered  | <b>1 December 2015</b><br><br>(up to 7 days, including a 5-day mission)                                 |
| 3. | Training materials improved and the second 2-day training course prepared and delivered to the Equality Council  | <b>30 March 2016</b><br><br>(up to 7 days, including a 5-day mission)                                   |

|    |  |   |
|----|--|---|
| 4. | Support and coaching provided to the Equality Council            | <b>15 June 2016</b><br><br>(up to 20 days throughout the assignment, home-based/online)             |
| 5. | Activity reports on consultancy undertaken submitted to the UNDP | <b>1 December 2015</b><br><br><b>15 March 2016</b><br><br><b>30 June 2016</b><br><br>(up to 6 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 1<sup>st</sup> activity based on the study and recommendations submitted to the UNDP Moldova Project Manager;
- 2) Second instalment following the completion of 2<sup>nd</sup> and 3<sup>rd</sup> activities;
- 3) Third instalment following the delivery of 4<sup>th</sup> activity and presentation of the final narrative report submitted to the UNDP Moldova Project Manager.

#### **J. Organizational setting:**

This is a part-time consultancy. The Consultant will work closely and coordinate all deliverables with the management and staff of the Equality Council. The Consultant will work under the direct supervision of the UNDP Moldova Project Manager, 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 3 days in September 2015 for purposes of discussions of the needs of the Equality Council;
- First mission for 5 days in November 2015 for purposes of delivering the first training;
- Second mission for 5 days in March 2016 for the purposes of delivering the second training.

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

The project will provide the administrative and logistical support in the organisation of the training sessions and a translator/interpreter, as necessary.

#### **K. Inputs:**

The Equality Council and the UNDP Moldova Project Manager will provide the 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 or other relevant field;

II. Years and sphere of experience:

- At least 5 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other relevant field, including experience in the CEE/CIS region;

III. Competencies:

- Proven experience and knowledge of non-discrimination and equality principles, including research, analysis and drafting analytical reports in the area of equality and non-discrimination;
- Knowledge and experience working with National Human Rights Institutions, especially non-discrimination bodies with a similar mandate to Equality Council in Moldova;
- Experience/knowledge of drafting decisions processes within a National Human Rights Institution with a complaint mechanism is a strong advantage;
- Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova is an asset;
- Effective communication, strong analytical skills including training and coaching skills;
- Knowledge of English for the purposes of the assignment. Knowledge of Romanian and/or Russian is a strong 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.