



## TERMS OF REFERENCE

<b>Job title:</b>	International Consultant on Human Rights
<b>Duty station:</b>	Chisinau, Republic of Moldova
<b>Project reference:</b>	"Improving the quality of Moldovan democracy through parliamentary and electoral support"
<b>Contract type:</b>	Individual Contract (IC)
<b>Duration of assignment:</b>	October 2015 – April 2016 (up to 57 working days)

### 1. Background

The UNDP Programme "Improving the quality of Moldovan democracy through parliamentary and electoral support" aims to enhance parliamentary capacity in carrying out its core functions, thus contributing to viable democracy and open society in Moldova. The project adopts a comprehensive, long-term approach to parliamentary development including strengthening of the legislatures law-making, representation and oversight roles.

After proclaiming its independence and sovereignty in 1991, the Republic of Moldova has taken several important measures for recognizing human rights and securing the obligations of the state towards respecting them. Subsequently, the Republic of Moldova has ratified most of the core international human rights treaties, extensively accepting the corresponding obligations and periodically submitting national reports on their implementation. The normative and institutional framework for the promotion and protection of human rights is under continuous improvement according to the international standards, national priorities and aspirations of European integration<sup>1</sup>.

In recent years there has been some positive developments regarding the human rights situation in Moldova. New legislation and policies have strengthened protection against discrimination and facilitated the promotion of freedom of expression. However, significant human rights issues still persist, including, but not limited to the following: Human Rights Based Approach mainstreaming, disaggregated data collection, concerns regarding fair trials, inadequate conditions in prisons, hate speech, violence against women, trafficking in human beings, marginalisation of Roma community, respecting the rights of people belonging to ethnic and linguistic minorities, mainstreaming of gender equality, reforms regarding the rights of persons with disabilities, harassment of LGBT people, further advancing the reform of the National Human Rights Institutions, implementation of UPR and other international recommendations.<sup>2</sup>

Protection and promotion of human rights and fundamental freedoms represent a priority of the state, confirmed in the government policies and in the framework-programme of the National Human Rights Action Plan of the Republic of Moldova (NHRAP).

In line with the National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1, the NHRAP for 2011-2014 represents the continuity of policies from the NHRAP for 2004 -2008, with prevailing emphasis on accession to international instruments on human rights; the approximation of national legislation with international standards; granting free access to justice; improving national mechanisms of human rights protection; granting effective defence of political, civil, economic, social and cultural rights; strengthening the protection of national minorities and ethnic groups, as well as

<sup>1</sup> According to the provisions of the EU-Republic of Moldova Joint Declaration, approved at the meeting of the EU- Republic of Moldova Cooperation Council of December 21, 2009, the Council Human Rights Working Group (COHOM) approved on January 12.01.2010, the Decision to launch the Human Rights Dialogue with the Republic of Moldova.

<sup>2</sup> <http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova/>

categories of population in need, either because of age, social dependence or other circumstances (underage, prisoners, migrants); increasing the level of citizens awareness in the field of human rights.

Currently the implementation of the NHRAP for the period 2004–2008<sup>3</sup> and the NHRAP for years 2011-2014 are being assessed with the support of the Council of Europe and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

It is well recognised that the obligation to respect, protect and fulfil human rights is not the exclusive responsibility of the judiciary, the legal professions and civil society. It is also a primary responsibility of the legislative and executive branches of government: the executive in the way it exercises its public powers, and the legislature in ensuring that legislation is in compliance with the international human rights law and in calling the executive to account for its actions and omissions.<sup>4</sup>

According to the NHRAP for 2011-2014, the Standing Parliamentary Committee for Human Rights and Interethnic Relations (CHRIR) carries out the oversight of the implementation of the NHRAP and regularly informs the Parliament on the progress of the actions envisaged in the Plan.

In order to enhance the oversight and legislative functions of the Parliament of the Republic of Moldova in terms of the obligation to respect, protect and fulfil human rights, UNDP Democracy Programme is seeking to contract an international consultant to provide advice and guidance to the CHRIR on the mainstreaming of Human Rights Based Approach and the international human rights standards in its work, transfer knowledge and skills in order to strengthen capacity of the CHRIR in its human rights legislative and human rights oversight functions.

## **2. Objectives**

The expected output for the international consultant's assignment is to enhance the capacity of the CHRIR to mainstream of Human Rights Based Approach throughout its work, to exercise its oversight functions in terms of implementation of the NHRAPs, to oversight NHRIs work and cooperate with them, to scrutinise the existing legislation and policies in the light of international obligations on human rights and gender equality.

Furthermore the international consultant shall assess and advance the oversight work of the Parliament of the Republic of Moldova (*in particular the CHRIR*) regarding the Government of Moldova, the Ombudsperson Office and Equality Council in the context of ensuring the compliance with the rule of law and human rights. The assessment should include areas of improvement and recommendations based on European and international best practices.

### **Scope of work and expected output**

In order to achieve the stated objectives, the Consultant will have the following responsibilities:

1. Build capacities of CHRIR in the analysis, argumentation and making legislation compliant with international human rights law standards: Develop a baseline report to gauge the legislation tabled in the parliament against international obligations and best practices on human rights and gender equality:

1.1 Conduct a desk review of the existing legal framework, policies and regulations related to the roles and responsibilities of the Parliament of Moldova and international best practices and rules related to the role of Parliament in the area of human rights and gender equality;

1.2 Undertake interviews with the key stakeholders: Members of Parliament, parliamentary staff, officials of the Executive and other relevant partners;

1.3 Conduct a thorough review to assess the degree of transposition of norms from the ratified international treaties, into national law and its implementation;\*

1.4 Provide comparative analysis/best practices on how various Parliaments around the world play a role in compliance with human rights treaties;

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<sup>3</sup> <http://www.ohchr.org/Documents/Issues/NHRA/moldova.pdf>

<sup>4</sup> <http://www.wfd.org/upload/docs/Parliamentary%20Handbook%20-%20FULL%20VERSION%20-%20FINAL%20-%2010%20res.pdf>

- 1.5 Provide recommendations towards improvement of the role of the CHRIR in assuring compliance of legislation with international human rights law;
- 1.6 Develop a report containing findings and recommendations;
- 1.7 Conduct a training course for the CHRIR on the analysis, argumentation and making legislation compliant with international human rights law standards based on the report findings and recommendations developed.

\* In line with the announced Plan of Activities of the CHRIR, due attention shall be paid but not limited to the following: Convention on the Rights of Persons with Disabilities (CRPD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP); Principles relating to the Status of National Institutions (The Paris Principles); Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

2. Enhance the knowledge of the members and staff of the CHRIR on the role of the Parliament in upholding the rule of law and the implementation of constitutional and international human rights obligations:

- 2.1 Assess the current and future capacity/training needs of members of the Committee's staff in order to articulate long and short term goals and priorities;
- 2.2 Develop and conduct a one day training on human rights principles and practice;
- 2.3 Develop and conduct a one day training on scrutiny of legislation from a human rights perspective;
- 2.4 Provide a list of further trainings to be provided.

3. Provide recommendations on enhancing the cooperation between the CHRIR and the CSOs:

- 3.1 Undertake interviews with the key stakeholders to identify the current state of play;
- 3.2 Elaborate draft guidelines on how to engage in dialogue with the CSOs, obtain information, and cooperate with them on a permanent basis.

4. Enhance the capacity of the CHRIR to carry out its oversight function in the context of elaboration and implementation of the National Human Rights Action Plan of the Republic of Moldova (NHRAP):

- 4.1 Conduct a review of the findings of the Assessment Report on the implementation of the NHRAPs (2004-2008 and 2011 - 2014);
- 4.2 Provide substantial support to the CHRIR in the process of review of the new draft of the NHRAP by providing expert opinion;
- 4.3 Develop recommendations to assure better monitoring of the implementation of the NHRAP by the Parliament of the RM;
- 4.4 Support to the Parliament of the RM (CHRIR) in organising public hearing in the context of approval of the new NHRAP;
- 4.5 Develop a report with recommendations and roadmap towards enhancing the capacities of the CHRIR to monitor the implementation of the NHRAP in cooperation with civil society.

5. Support to the improvement of the cooperation between the Parliament of the Republic of Moldova and the NHRIs – Ombudsperson Office and Equality Council:

- 5.1 Conduct a desk review of the existing legal framework on cooperation between the Parliament of the RM and the both NHRIs, including the process of Parliamentary hearings of annual reports submitted by both NHRIs;
- 5.2 Facilitate debates and support decision making on the improvement of the NHRIs related legislation (including Law on Peoples Advocate, and the Law on Ensuring Equality);
- 5.3 Analytically support the CHRIR in the process of preparations for the hearings on the annual reports submitted by the Ombudsperson Office and Equality Council (hearings within the CHRIR and in the plenary of the Parliament);
- 5.4 Provide recommendations on improvement of the cooperation between the Parliament of the Republic of Moldova and the NHRIs;
- 5.5 Develop report containing findings and recommendations on the strengthening cooperation between the Parliament of the Republic of Moldova and the NHRIs;

6. Develop the capacity of the CHRIR to conduct public hearings and on-site visits on issues related to human rights: to conduct analytical work and provide advice, informational and factual support to the CHRIR.

7. Undertake three missions to Moldova:

- 12 – 30 October 2015;

- 16 November – 4 December 2015;
- 7 – 19 March 2016.

### 3. Deliverables

No	Deliverables/Outputs	Estimated Duration to Complete	Target Due Dates
1	A detailed Work Plan developed and presented to the UNDP;	2 WD	By 5 October 2015
2	Baseline report to gauge the legislation tabled in the Parliament against international obligations and best practices on human rights and gender equality developed and training conducted;	25 WD	By 30 October 2015
3	Knowledge on the role of the Parliament in upholding the rule of law and the implementation of constitutional and international human rights obligations of MPs and staff of the CHRIR enhanced;		
4	Recommendations on enhancing the cooperation between the CHRIR and the CSOs provided;		
5	Capacity of the CHRIR to carry out its oversight function in the context of elaboration and implementation of the NHRAP enhanced;	15 WD	By 4 December 2015
6	Support to the improvement of the cooperation between the Parliament of the Republic of Moldova and the NHRIs provided;		
7	NHRIs annual report hearings in the Parliament facilitated and support in organising public hearings and on-site visits provided	15 WD	By 25 March 2016

### 4. Administrative arrangements

The timeframe for this assignment is planned tentatively through October 2015 – April 2016. The consultancy should involve about 44 working days of work in Moldova. The remaining 13 working days are home-based.

The International Consultant will work under the guidance of Parliament and UNDP Parliamentary Specialist for substantive aspects of the assignment, and under the direct supervision of the Programme Manager for administrative and financial aspects. The consultant will work closely with the Standing Parliamentary Committee for Human Rights and Interethnic Relations.

The Parliament will provide consultant with working space, access to Internet, a printer and a telephone line.

The Consultant will be supported by a National Consultant who will facilitate the process of organizing and conducting required activities with UNDP Programme, the Parliament, and other required stakeholders. The Consultant will also receive technical support from National Consultant for the efficient delivery of activities.

Each candidate will be required to submit an aggregated financial offer ("aggregated financial offer" is the total lump sum of all financial claims of the candidate for accomplishment of the task), which includes proposed consultancy daily fee, travel and communication costs (if required).

### 5. Qualifications:

#### Academic Qualifications:

- Master degree in Human Rights, Law, Social Sciences or Humanities;

#### Working experience:

- At least 8 years of professional experience in human rights, governance, parliamentary services and democracy;

- At least 3 years of proven experience in organizing, facilitating and conducting seminars, trainings and round tables with state institutions/agencies/organizations on human rights related issues;
- Experience in the Human Rights Based Approach mainstreaming and application would be an asset;
- Experience in advisory work on parliamentary development or practical experience as Member of Parliament or parliamentary staffer is a strong advantage;
- Experience in comparative analysis, research, assessment on the implementation of the international human rights standards and related national policies and strategies;
- Working experience with the international inter-governmental organizations is a strong advantage;

Competencies:

- Extensive knowledge of international human rights standards and Human Rights Based Approach mainstreaming
- Familiarity with human rights context and legal system in the Republic of Moldova is an asset;
- Solid knowledge and understanding of elaboration of National Human Rights Action Plans;
- Strong analytical and drafting skills;
- Ability to analyse, plan, communicate effectively orally and in writing, draft report, organize and meet expected results;
- Ability to adapt to different environments (cultural, economic, political and social);
- Fluency in English. Knowledge of Romanian or Russian languages will be an asset;

Computer literacy and ability to effectively use office technology equipment, IT tools.

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;

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.

**6. Documents to be included when submitting the proposals:**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal:
  - i. Explaining why they are the most suitable for the work including past experience in similar assignments;
  - ii. Providing a brief information on each of the above qualifications, item by item and a brief methodology on how they will approach and conduct the work (if applicable);
2. Financial proposal (in USD), specifying a fee per day and total requested amount including all related costs, e.g. fees, per diems, travel costs, phone calls etc.;
3. Duly filled in and signed Personal History Form (P11) and at least 3 names for a reference check.