

## TERMS OF REFERENCE

<b>Job Title:</b>	UN Human Rights Office (OHCHR): National Consultant to strengthen Ombudsperson Office capacity to petition the Constitutional Court
<b>Project Title:</b>	Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations.
<b>Contract type:</b>	Individual Contract
<b>Duration of assignment:</b>	1 November 2015 - 30 September 2016, up to 110 working days
<b>Starting date:</b>	1 November 2015

### **A. Background:**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideals of human dignity. It has a unique mandate from the international community to promote and protect all human rights.

The UN Human Rights Office (OHCHR) has had a Human Rights Adviser in Moldova since July 2008 until August 2015, based in the Office of the United Nations Resident Coordinator (UN RC), mainstreaming human rights in the work of United Nations Country Team (UNCT) in Moldova, Government, National Human Rights Institutions (NHRI), and civil society. Since 1st September 2015 the international Human Rights Adviser has been replaced by a National Human Rights Coordinator.

According to the Country Note for the Republic of Moldova 2014-2017, the thematic priorities for interventions include: (1) countering discrimination, in particular racial discrimination, discrimination on the grounds of disability, religion, sexual orientation and other criteria; (2) combating impunity and strengthening accountability and the rule of law; (3) strengthening the effectiveness of international human rights mechanisms and the progressive development of international human rights law and standards.

The Project “Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations” is implemented during 2015 and 2016 by OHCHR jointly with UNDP and in cooperation with the Ombudsperson Office and Equality Council and with the financial support of the Norwegian Ministry of Foreign Affairs. The overall goal of the project is to contribute to the effective protection and promotion of human rights, equality and non-discrimination in the Republic of Moldova. The project seeks to catalyze the emergence of the strongest possible independent national human rights institutions in Moldova – Ombudsperson Office and Equality Council – and to increase their focus around core strategic human rights goals to maximize their impact.

### **B. Scope of work and tasks:**

As provided by art. 25 of the Law on the Constitutional Court and art. 38 of the Code of Constitutional Jurisdiction the Ombudsperson has legal authority to lodge complaints to the Constitutional Court – as the highest judiciary body for the protection of human rights and fundamental freedoms in Moldova and in conformity with art. 4 of the Constitution which secures supremacy of the international human rights law.

OHCHR is recruiting a National Consultant to strengthen Ombudsperson Office capacity to petition the Constitutional Court, with solid knowledge in international human rights law and experience in national legal field, with knowledge related substantive and procedural aspects, to support the Ombudsperson Office in identifying, preparing and submitting written complaints to the Constitutional Court.

The incumbent’s task will be related to the identification of systemic human rights violations and strategic and important legal barriers conducive to these infringements to be challenged at the Constitutional Court.

The National Consultant to strengthen Ombudsperson Office capacity to petition the Constitutional Court is sought to work under the supervision of the OHCHR Anti-Discrimination and National Human Rights Projects Coordinator and the Ombudsperson Office, by fulfilling the following tasks:

- Conduct an assessment analysis on the best international and regional practices on petitioning the Constitutional Court by the Ombudsman institutions, including the existing efficient mechanisms for identification of human rights issues serving as ground for petitions to the Constitutional Court, and provide concrete recommendations for Moldova’s Ombudsperson;
- Contribute to the implementation of these recommendations, including the creation of a mechanism for human rights issues identification that will serve as grounds for petitions to the Constitutional Court;
- Assist the Ombudsperson Office in identification of human rights issues, object to petitions at the Constitutional Court;

- Offer guidance to the Ombudsperson Office's relevant staff on elaboration of petitions concerning the interpretation and correct application of Constitutional Court jurisprudence;
- Assist the Ombudsperson Office relevant staff in the process on elaboration of petitions to the Constitutional Court;
- Assist the Ombudsperson Office in submitting the petitions to the Constitutional Court;
- Facilitate the creation of the Experts Committee, including drafting its regulations, within the Ombudsperson Office as provided by art 34 (5) of the Law on Peoples Advocate (Ombudsperson).

### C. Deliverables:

	<b>Deliverable</b>	<b>Deadline</b>
1.	Analysis of best international and regional practices elaborated and recommendations drafted;	30 December 2015
2.	Support to Ombudsperson Office for implementing relevant recommendations provided;	Throughout the duration of the contract
3.	A mechanism for human rights issues identification set up;	15 January 2016
4.	Identification and elaboration of minimum 10 analysis paper on human rights issues serving as ground for petitions to the Constitutional Court, submitted to supervisors;	2 December 2015 (2) 29 February 2016 (3) 31 May 2016 (3) 29 July 2016 (2)
5.	The relevant staff guided on elaboration of petitions concerning the interpretation and correct application of Constitutional Court jurisprudence;	Throughout the duration of the contract
6.	Support offered to a minimum 8 petitions drafted, prepared for submission and further submitted to the Constitutional Court;	20 December 2015 (2) 15 March 2016 (2) 15 June 2016(2) 15 August 2016 (2)
7.	The Experts Committee created, it's regulations drafted, and at least 2 meetings held;	30 March 2016
8.	Necessary support and assistance to the Ombudsperson Office provided throughout the adjudication process as regards the petitions addressing human rights issues;	Throughout the duration of the contract
9.	Four reports on the consultancy elaborated and submitted to OHCHR.	23 December 2015 (1 <sup>st</sup> report) 30 March 2016 (2 <sup>nd</sup> report) 30 June 2016 (3 <sup>rd</sup> report) 15 September 2016 (4 <sup>th</sup> report)

Deliverables can be amended or specified for the purpose of the assignment.

#### **D. Organizational settings:**

This is a part-time consultancy. The National Consultant will be based in the Ombudsperson Office and will work closely with the relevant management and staff persons. The National Consultant will work under the direct supervision of the OHCHR Anti-discrimination and National Human Rights Institutions Projects Coordinator and the assigned supervisor from the Ombudsperson Office.

#### **E. Qualifications:**

##### **I. Academic Qualifications:**

- Master degree or equivalent (5-year university education) in Law, Human Rights, Social Sciences, Political Science or other relevant field.

##### **II. Years and sphere of experience:**

- At least 4 years of practical experience in human rights, conducting legislative analysis and research;
- At least 3 years of experience in working procedures of the Constitutional Court;
- Experience in working on human rights strategic litigation cases would be a strong advantage.

##### **III. Competencies:**

- Deep knowledge and understanding of international norms and standards related to human rights;
- Knowledge of the Constitution of the Republic of Moldova, Law on the Constitutional Court, the Code of Constitutional Jurisdiction, and national legal framework in the Republic of Moldova;
- Knowledge on the mandate of the Peoples' Advocate and functioning of the Ombudsperson Office, especially the procedure related to submitting the petitions to the Constitutional Court;
- Commitment and high identification with the human rights cause;
- Excellent analysis and drafting skills;
- Knowledge of Romanian and Russian. Knowledge of English language will be an asset;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Ukrainian, Romani or sign language is an asset;
- 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.

IV. Personal qualities: responsibility, creativity, flexibility and punctuality.

The UN 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.

**F. Documents to be included in the proposal:**

Interested persons should submit the following documents:

1. Proposal:

- (i) Explaining why they are the most suitable for the work;
- (ii) Provide a brief methodology on how they will approach and conduct the work.

2. Financial proposal (fee per working day and the total amount);

3. Personal CV including past experience in similar projects and the contact details of at least 3 reference persons.