



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **28 September 2015**

Country: Republic of Moldova

Description of the assignment: OHCHR National Consultant to strengthen Ombudsperson Office capacity to petition the Constitutional Court

Project Reference: Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations, Office of the United Nations High Commissioner for Human Rights (OHCHR)

Period of assignment/services: 1 November 2015 - 30 September 2016, up to 110 working days within 11 months period

Proposals should be submitted online only, by following the “Apply online” link, no later than [11 October 2015](#).

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: violeta.fetescu@one.un.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. 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 Since 1st September 2015 the international Human Rights Adviser has been replaced by a National Human Rights Coordinator.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.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

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 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.

For detailed information, please refer to Annex 1 – Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND 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. Experience and skills:

- 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;
- 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;
- 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.

III. Language requirements:

- 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.

4. 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;
- (ii) Provide a brief methodology on how they will approach and conduct the work.

2. Financial proposal;

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

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payments are paid in equal installments and are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including fees, taxes, mobile phone calls, etc.).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

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

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts.);

* Financial Criteria weight – 40% (200 pts.).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
• Master degree or equivalent (5-year university education) in Law, Human Rights, Social Sciences, Political Science or other relevant field;	Master degree – 30 pts.; PhD – 40 pts.	40
• At least 4 years of practical experience in human rights, conducting legislative analysis and research;	4 years –up to 40 pts.; each additional year - 5 pts., up to maximum 60 pts.	60
• At least 3 years of experience in working procedures of the Constitutional Court;	3 years –up to 20 pts.; each additional year - 5 pts., up to maximum 35 pts.	35
• Experience in working on human rights strategic litigation cases would be a strong advantage;	Yes –up to 15 pts.; to some extent - 8 pts., No- 0 pts.	15
• Excellent analysis and drafting skills;	Max – 10 pts.	10
• Knowledge of Romanian and Russian languages, English and other languages relevant for Moldova;	Russian, Romanian – 5 pts each, English and other languages relevant for Moldova – 5 pts each up to maximum additional 10 pts	20
• Interview (demonstrated competences as specified in the annex 1- Terms of reference).	40 pts.- Deep knowledge and understanding of international norms and standards related to human rights; 30 pts.- 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; 30 pts. - 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; 10 pts. - Commitment and high identification with the human rights cause. 10 pts. - 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.	120
Maximum Total Technical Scoring		300

<u>Financial</u>	
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p><u>$S = F_{min} / F * 200$</u></p> <p>S – score received on financial evaluation;</p> <p>Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p>F – financial offer under consideration.</p>	200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS