



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **05 October 2015**

Country: Republic of Moldova

Description of the assignment: National Consultant on human rights and diversity mainstreaming into national sectorial policies and legislation in the Republic of Moldova

Project name: Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations

Period of assignment/services: October 2015 – November 2016 (up to 80 working days)

Proposals should be submitted online by pressing the "Apply Now" button no later than 23:59, 11 October 2015.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: andrei.lutenco@undp.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 Republic of Moldova is a State-Party to the majority of the 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.

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>

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.

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.

2. 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.

3. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK:

The **scope of the work** of the National Consultant will consist in working together with the International Consultant 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 and providing follow-up support to Equality Council and Ombudsperson Office.

In order to achieve the objective the National Consultant shall:

- Support the International Consultant, with conducting research and translation of information, national legislation, research specific to Moldova, where necessary;
- Work closely with the International Consultant to review and improve (if necessary) 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);
- Facilitate and ensure delivery of the final, clean and usable Methodology in Romanian language;
- Work closely with the International Consultant to organise and co-facilitate one hands-on, interactive training on the use of the Methodology for relevant Equality Council and Ombudsperson Office staff;
- Provide continuous support and coaching 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;
- Develop a strategy / action plan on introducing human rights mainstreaming into policy and law-making beyond the Equality Council and Ombudsperson Office;
- Where necessary, hold consultation meetings with other relevant governmental bodies and stakeholders;
- Where relevant, work closely with other Consultants contracted within the project;

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>

- 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.

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

4. REQUIREMENTS FOR EXPERIENCE AND 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 3 years of proven professional experience in a legal area, legal analysis, human rights or other relevant field;

III. Competencies:

- Demonstrable experience carrying out review of legislation and policies;
- 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 in the Republic of Moldova is a strong asset;
- Effective communication and strong analytical skills;
- Fluency in English, Romanian and Russian;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language 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 details.

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.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

Interested individual consultants must submit the following documents/information in English, Russian or Romanian to demonstrate their qualifications:

1. Cover letter:

- (i) Explaining why they are the most suitable for the work, including a list of assignments and/or analytical documents, reports, methodologies, presentations, capacity building activities, or other task related documents the applicant has elaborated or contributed to;
- (ii) Providing a brief methodology (max. 3 pages) on how they will approach and conduct the work.

2. Financial proposal as a **lump sum** in US Dollars, preferably split per each deliverable (which includes the fee, and all travel costs for mission to Moldova). For detailed information on travel requirements, please, refer to Annex 1 – Terms of Reference;

3. Personal information (as a detailed CV or as a Personal History Form/P11) including records of past experience in similar projects/assignments and concrete outputs obtained, including names and contact details of 3 reference persons.

6. FINANCIAL PROPOSAL:

The financial proposal shall specify a **total lump sum** amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the Terms of Reference. 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 travel, per diems, and number of anticipated working days).

Payment will be made based on achieved deliverables, including a final report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

Travel

All envisaged travel costs (e.g., tickets, accommodation, meals, other relevant expenses) 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.

7. EVALUATION:

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

- Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights, Public Law or other relevant field;
- At least 3 years of proven professional experience in a legal area, legal analysis, human rights or other relevant field;

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

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

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.

| Criteria | Scoring | Maximum Points Obtainable |
|---|---|---------------------------|
| Technical | | |
| Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights, Public Law or other relevant field | (Master – 20 pts., PhD – 30 pts.) | 30 |
| At least 3 years of proven professional experience in a legal area, legal analysis, human rights or other relevant field | (3 years – 20 pts., 3-5 years - up to 30 pts., 5-7 years - up to 40 pts., 7-10 years - up to 50 pts., more than 10 years – up to 60 points) | 60 |
| Demonstrable experience carrying out review of legislation and policies | (no – 0 pts., to some extent – up to 30 pts., yes – up to 55 pts) | 55 |
| Demonstrable knowledge of the Human Rights Based Approach and its application in legislation, policies and practices | (no – 0 pts., to some extent – up to 20 pts., yes – up to 40 pts) | 40 |
| Demonstrable extensive knowledge of legislation and policy drafting/preparation processes in the Republic of Moldova | (no – 0 pts., to some extent – up to 20 pts., yes – up to 40 pts.) | 40 |
| Working experience or academic knowledge of National Human Rights Institutions in the Republic of Moldova | (no – 0 pts., to some extent – up to 10 pts., yes – up to 20 pts.) | 20 |
| Effective communication and strong analytical skills | (no – 0 pts., to some extent – up to 10 pts., yes – up to 25 pts.) | 20 |
| Knowledge of languages | (English, Russian, Romanian – 10 pts each, Bulgarian, Gagauzian, Romani, Ukrainian or sign language – up to 5 additional points) | 35 |
| Maximum Total Technical Scoring | | 300 |
| Financial | | |
| Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration. | | 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 REFERENCE (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS