

Terms of Reference

for a team of two national consultants – legal expert and gender and security expert - to undertake review of national legal, policy and regulatory frameworks in the security sector in the Republic of Moldova from a gender perspective and alignment with international standards on women, peace and security

Primary category:	Women's empowerment
Duty station:	Chisinau
Type of contract:	Special Service Agreement, SSA
Languages Required:	Fluent in Romanian, and working English and Russian
Deadline for applications submission:	December 31, 2015
Expected workload:	Up to 23 days per consultant within an up to 2 months period
Starting date:	11 January 2016
(date when the selected candidate is expected to start)	

Background

UN Women is operational in Moldova since 2010 on the basis of former UNIFEM projects, which were laid and active in the country from 2007. It extended continuous support to the Government of Moldova, to key stakeholders from national and local levels, through various programmes and activities aimed at creating an enabling environment for gender equality, recognized as a prerequisite for sustainable development with a strong and active policy on gender equality. Since 2014 UN Women has established its fully operational country office in Moldova.

UN Women's country programs are guided by its Strategic Note 2014-2017 and which is fully aligned with UN-Moldova Partnership Framework for 2013-2017, National Program on Gender Equality, and other national strategies and plans. During this period, the assistance and cooperation is planned in five strategic results areas, namely: 1. Women lead and participate in decision-making at all levels, 2. Women, especially the poorest and most excluded, are economically empowered and benefit from development; 3. Women and girls live a life free of violence, 4. Women, Peace and Security and 5. Governance and national planning fully reflect accountability for GE commitments and priorities.

Due to its geopolitical location, the Republic of Moldova can be directly affected by several frozen and simmering conflicts in the region and there is a crucial moment to advocate for improve women's representation in leadership position within peace and security field. Despite the importance of women's presence in maintaining peace and security and taking into account the significance of women's integration in redressing conflicts, they are still underrepresented in the mentioned field. By today, there are only two Moldovan women (out of total 83) involved in UN's peacekeeping missions across the globe. Out of total number of people engaged within National Army, 37% are women and 63% are men. Only 3% of women hold decision making positions in National Army. Military Academy "Alexandru cel Bun" started to enrol girls at the studies only in 2012. In the present the Academy has 33 women (out of total 294) students enrolled.

Established international norms and standards promote the protection of women during armed conflict and their participation in peace and security decision-making. Two sets of standards, Security Council Resolution 1325 on Women, Peace and Security (SCR 1325) (2000), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), are critical tools for moving the gender equality agenda forward in conflict and post conflict situations. While both CEDAW and SCR 1325 are important in their own right, there is also a synergy between the two sets of

standards that can be used greatly to enhance their implementation and impact. SCR 1325 helps to broaden the scope of CEDAW's application by clarifying its relevance to all parties in conflict and in peace. CEDAW, in turn, provides concrete strategic guidance for actions to be taken on the broad commitments outlined in SC resolution 1325. Drawing on these instruments together can enable advocates to maximize the impact of norms and standards for gender equality in all conflict and post-conflict interventions¹.

Rationale

In order for both women's and men's needs and priorities to be addressed adequately in a society, both need to be involved and represented in the decision-making process, in policy creation and its implementation. This holds true in the security sector as well. For security needs of women and men to be addressed, more women need to be represented in the security institutions of the state. In the Eastern Europe countries, including the Republic of Moldova, the overall presence of women among the military personnel is in low single-digit figures and the numbers are particularly low in the command and management positions. Data clearly indicates that more needs to be done to attract and retain women in the armed forces.

The Republic of Moldova ratified CEDAW on 28 April 1994 through a decision of the Parliament No. 42-XII. Having adhered to this Convention, the Government of the Republic of Moldova has confirmed its will to end discrimination against women in all forms, assuming the obligation to undertake measures aimed at ensuring women's rights through an efficient application of this international tool at the national level. CEDAW General Recommendation No. 30 (GR30) on women in conflict prevention, conflict and post-conflict situations (2013) works to support States to meet their obligations under the CEDAW, including their due diligence obligations, before, during and after conflict. GR30 covers the application of CEDAW to conflict prevention, international and internal armed conflict, situations of foreign occupation, in addition to other forms of occupation and the post-conflict phase, as well as situations of low intensity civil and political strife, states of emergency, terrorism and responses to terrorism, statelessness and internal displacement. GR30 also considers the application of the Convention to all actions of States parties affecting human rights of citizens and non-citizens, within their territory or effective control, even if not situated within their territory. The Convention requires States parties to regulate the activities of domestic non-State groups that impair rights enshrined in the Convention.²

Under CEDAW, the Republic of Moldova has committed itself to ensuring the substantive equality of women in all spheres of live, including in the peace and security field. Within the Objective 10 included in the National Plan on Gender Equality for 2014-2015, the current National Program on Gender Equality (NPGE) for 2010- 2015 envisages output in the area of women in security, legal order and military services, which reiterate the general objectives to be obtained. It is also foreseen to have the Women, Peace and Security area incorporated in the new National Program on Gender Equality for 2016-2020 which is currently under preparation and is expected to be finalized in early 2016. UN Women is supporting the process of development of the new NPGE through a team of experts, including an expert in the field of women, peace and security. At the same time, as part of its commitments under the UN Security Council Resolution 1325, the Ministry of Defence is considering the possibility to develop a specific National Action Plan on Implementation of SCR 1325, which will represent a comprehensive policy framework in this field and will further elaborate and specify results, actions and responsibilities, under the general objectives laid down in the NPGE.

The Ministry of Defence is also leading the process of conducting Gender Self-Assessment within security sector institutions which will assess their gender responsiveness. The assessment will follow the methodology developed by the Geneva Centre for the Democratic Control of Armed Forces (DCAF)³ and will include, among others, the armed forces and the police. Based on it, a Gender Action Plan for security sector institutions will be developed. In order to complement the findings of the Gender Self-Assessment, the Ministry of Defence, with UN Women support, is initiating a review of national legislation, policies, action plans and internal regulations in the security sector from a gender perspective. The findings and recommendations of the review will serve to inform future policy development processes in the area of women, peace and security in Moldova.

¹ http://www.unwomen.org/en/digital-library/publications/2006/1/cedaw-and-security-council-resolution-1325-a-quick-guide#view

² http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf

³ Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector - http://www.dcaf.ch/Programmes/Gender-and-Security

In this respect, UN Women is planning to hire a team of two national consultants to support the Ministry of Defense in its role as the lead government institution and in partnership with other relevant stakeholders, in the review and assessment of national legal, policy and regulatory frameworks in the security sector from the gender perspective and propose amendments to align these to international standards in the area of women, peace and security.

Objective

For this purpose, the selected national consultants will work under the overall guidance of the Ministry of Defence, and direct supervision of the Chief Technical Advisor and Programme Manager of UN Women to review the national legislation, policies, action plans and regulations in the security sector and propose possible amendments and recommendations on their alignment with international standards on women, peace and security.

Tasks

More specifically, a team of two national consultants will be hired – a legal expert and a gender and security expert, to be responsible for the following tasks:

Legal expert:

1. Examine regional and international laws and standards (Conventions, Treaties, Resolutions, etc., including all SCR on women, peace and security.) in the area of gender equality and the security sector and develop an overview of the obligations of each security sector institution and their specific roles in relation to gender equality (including issues around gender-based violence and women's participation). The review should specify the status of signatures, ratification and implementation of the international legislation and standards by the Republic of Moldova.

2. Review existing laws and legal provisions in the field of women, peace and security adopted by other countries whose experience is relevant for Moldova (for example, Serbia, FYR Macedonia, Bosnia and Herzegovina, Ukraine, Georgia, countries in the European Union, etc.), and which can be considered good practices. The review should include information on the *effects* of such legislation in place in other countries (where available).

3. Analyze the national legal framework in place in the *security sector* from a gender perspective; analyse the obligations of the security sector institutions in relation to national legal and policy framework on *gender equality* and on their compliance with such national laws and policies; provide recommendations for possible revisions and amendments in order to enhance gender equality in legislation, and based on international standards and existing good practices. Examples of laws that should be analyzed are: Law no. 1245-XV as of 18.07.2002 on the citizen's preparation to defend the country; Law no. 162-XVI as of 22.07.2005 on the status of the military; Law no. 52-XVI as of 02.03.2007 on the approval of military discipline Regulation

4. Carry out initial consultations with various key stakeholders with a view to obtaining information that can be used in developing appropriate new legislation or amending existing ones, including:

• institutions in peace and security field, as Ministry of Defense, Ministry of Internal Affairs, Ministry of External Affairs and European Integration, Ministry of Justice, General Prosecutor's Office, Information and Security Service, Customs Department, General Inspectorate of Police, Anti-Corruption Office, etc.;

- the Working Group working on the Gender Self-Assessment in the Security Sector
- Military Academy;
- international organizations active in the field of women, peace and security (UN Women, OSCE, NATO, etc.);
- relevant higher institutions of learning;
- civil societies that are active in the fields of gender equality;
- gender experts and academics
- other relevant stakeholders that may be identified by the Consultant.

5. Prepare and present to UN Women and the Ministry of Defence a draft Legislative Report including identification of gaps and proposed amendments and revisions, reflecting the analysis conducted and the stakeholder consultations

undertaken. All feedback received by the Ministry of Defense and UN Women will be taken into account by the legal expert and relevant adjustments to the draft Report will be undertaken.

6. Submit final Legislative Review which incorporates feedback received and contains all elements as prescribed under Deliverables section.

Gender and security expert

1. Analyze the policy and regulatory framework in the field of women, peace and security adopted by selected other countries which already have experience with the localization of SCR 1325 and whose experience is relevant for Moldova (for example, Serbia, FYR Macedonia, Bosnia and Herzegovina, Ukraine, Georgia, countries in the European Union, etc.), identify good practices that can be applicable to Moldova, and develop a compilation of existing policies, action plans and regulations, as well as lessons learnt in their implementation (where available) and good practices. The compilation should include information about each security sector institution separately.

2. Analyze national security, defense and gender strategies and policies and governing action plans, Government decisions and internal regulations (including codes of conduct) for each of the relevant security sector institutions ((including Ministry of Defence, Ministry of Interior, Ministry of Justice, Anti-Corruption Center, Customs Office) and identify gaps and potential areas for enhancement of the policy, institutional and regulatory framework in each of the security institutions analyzed from the gender equality perspective and in order to align it further with international standards and recommendations of UN Treaty Bodies and to apply best practices from other countries. Develop recommendations for revisions to existing institutional policies, strategies, action plans and internal regulations (including codes of conduct) or for development of new ones, in order to address existing gaps and to enhance gender equality. Example of governing documents that need to be analysed include: *Government Decision no. 941 as of 17.08.2006 approving the regulation on the military service in the Armed Forces* and *Regulation of the Interior Service of the Armed Forces of the Republic of Moldova approved by Presidential decree no. 2327 -IV of 3 September 2009*.

3. Carry out initial consultations with various key stakeholders with a view to obtaining information that can be used in developing appropriate new regulatory framework or adjusting existing one, including:

• institutions in peace and security field, as Ministry of Defense, Ministry of Internal Affairs, Ministry of External Affairs and European Integration, Ministry of Justice, General Prosecutor's Office, Information and Security Service, Customs Department, General Inspectorate of Police, Anti-Corruption Office, etc.;

- the Working Group working on the Gender Self-Assessment in the Security Sector
- Military Academy;
- international organizations active in the field of women, peace and security (UN Women, OSCE, NATO, etc.);
- relevant higher institutions of learning;
- civil societies that are active in the fields of gender equality;
- gender experts and academics
- other relevant stakeholders that may be identified by the Consultant.

4. Prepare and present to UN Women and the Ministry of Defence a draft Policy and Regulatory Review including identification of gaps and proposed revisions, reflecting the analysis conducted and the stakeholder consultations undertaken. All feedback received by the Ministry of Defense and UN Women will be taken into account by the gender and security expert and relevant adjustments to the draft Report will be undertaken.

5. Submit final Policy and Regulatory Review which incorporates feedback received and contains all elements as prescribed under Deliverables section.

The two national consultants will consider the following aspects in reviewing current legislative, policy, institutional and regulatory framework:

• the content of the current legislation/policies/action plans/regulations and whether they refer to the objectives and principles of gender equality;

• whether the current laws, policies, action plans and regulations in the security sector are incorporating and following *national* gender equality laws and policies

• whether the current laws, policies, action plans and regulations in the security sector are in compliance with the *international* standards on women, peace and security

• approaches, experiences and good practices of other states and territories, and relevant jurisdictions overseas and how conducive national laws, policies, action plans and regulations in Moldova are to the application of such good practices;

• existing analyses and recommendations to security sector institutions in the area of gender equality and human rights, developed by civil society organizations or independent human rights bodies;

It is expected that the two national consultants will work jointly, and will ensure complementarity in the tasks undertaken, including in the consultations with relevant stakeholders.

Key Deliverables and Timeframe

The selected national consultants will be responsible for delivering the following specific outputs, comprising of the main milestones:

No	Activities and Deliverables	Tentative timeframe for completion of task	Tentative # of days required for accomplishment of task
Lega	al expert		
1.	 Draft Legislative Report developed and submitted. The Report should include, at minimum: review of regional and international legal framework and standards in the field of women, peace and security, and overview of the obligations of each security sector institution and their specific roles in relation to gender equality (including issues around gender-based violence and women's participation). The review should specify the status of signatures, ratification and implementation of the international legislation and standards by the Republic of Moldova. Analysis of national legal framework in place in the security sector from a gender perspective, Analysis of obligations of the security sector in relation to national legal and policy framework on gender equality and on their compliance with such national laws and policies. Recommendations for possible revisions and amendments in order to enhance gender equality in legislation, and based on international standards and existing good practices. Compilation/mapping of existing laws and legal provisions in the field of women, peace and security adopted by other countries whose experience is relevant for Moldova, and which can be considered good practices. The compilation in place (where available). List of consulted institutions/individuals 	Within one months from contract signature	Up to 18 w.d.
2.	Final Legislative report submitted, which responds to and incorporates feedback by the Ministry of Defence and UN Women	By end- February, 2016	Up to 5 w.d.

No	Activities and Deliverables	Tentative timeframe for completion of task	Tentative # of days required for accomplishment of task
	Security and gender expert		
1.	 Draft Policy and Regulatory report developed and submitted. The Report should include, at minimum: Analysis of existing institutional policies, strategies, action plans and internal regulations (including codes of conduct) of the selected security sector institutions (including Ministry of Defence, Ministry of Interior, Ministry of Justice, Anti-Corruption Center, Customs Office) from the gender perspective; identification of critical gaps and areas of improvement; Recommendations for revisions to existing institutional policies, strategies, action plans and internal regulations (including codes of conduct) or for development of new ones, in order to address existing gaps and to enhance gender equality; Compilation/mapping of good practices implemented by security sector institutions from other countries which are relevant for Moldova. The compilation should include information on effects of the regulations in place (where available); List of consulted institutions/individuals. 	Within one month from contract signature	Up to 18 w.d.
2.	Final Policy and Regulatory Report submitted, which responds to and incorporates feedback by the Ministry of Defence and UN Women	By end- February, 2016	Up to 5 w.d.
	Total		Up to 23 days (100%) for each expert

All written deliverables should be agreed with UN Women and be provided in Romanian and English Languages in electronic copy.

Note: The mentioned number of working days has been estimated as being sufficient/feasible for the envisaged volume of work to be completed successfully and is proposed as a guideline for the duration of assignment. It cannot and shall not be used as criteria for completion of work/assignment. The provision of envisaged deliverables approved by the UN Women Moldova Chief Technical Advisor shall be the only criteria for national consultants' work being completed and eligible for payment/s

Management arrangements

All deliverables shall be agreed with the Ministry of Defence and approved by the UN Women Chief Technical Advisor.

Confidentiality

The two national consultants agree to keep confidential all information that they receive, directly or indirectly, from the all relevant stakeholder, as well as all copies or analyses that they make, or have been made by third parties, on the basis of such information (collectively, the Material). The two national consultants shall use the Material exclusively for the purpose of preparing deliverables relevant to this assignment. The confidentiality obligations shall not apply to information in the public domain. The national consultants shall only permit access to the Material to persons within its organization on a need-to-know basis. The national consultants shall explicitly inform such persons of the confidential

nature of the Material and, prior to providing them the Material, subject them to the confidential obligations contained in these Terms of Reference.

Duration of the Work:

It is expected that the two national consultants shall begin work by January 11, 2016 with work being completed before or on 29 February 2016, in conformity with the indicative timeframe described under "Deliverables and Timeframe" section. However, the above-mentioned timeframe is tentative.

UN Women will require at least five (5) days to review the outputs, provide comments, approve and certify acceptance of deliverables.

Location of work:

The national consultants will not be located in the UN Women Office for the implementation of the assignment.

Travel and other logistic arrangements

The National Consultants selected for this assignment will be responsible for all administrative and travel expenses associated with undertaking this assignment. All travels shall be coordinated with UN Women Moldova CO management and shall be included in the total contract amount of the contractor. In the case of unforeseeable travel, payment of travel costs should be agreed upon, between UN Women Moldova CO and the Contractor, prior to travel and will be reimbursed

Performance evaluation

The national consultants' performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

Financial arrangements

Payment will be disbursed in two installments upon submission and approval of deliverables, certified by the Chief Technical Advisor, indicating that the services have been satisfactorily performed.

Required Skills and Experience

Legal expert

Education:

- University degree in law and/or other social or science related to the areas relevant for the assignment;

Experience:

- Minimum 5 years of proven experience working as a legal expert/practitioner in the area of compliance of domestic legislation with regional and international laws, standards and recommendations
- Minimum 3 years of proven work experience in the area of gender equality, human rights and development
- Successful experience in working with international organizations or UN agencies is considered an asset
- Experience in the peace and security field will be considered an asset.

Language skills:

- Excellent verbal and written Romanian. Working knowledge of English and Russian are required.

Gender and security expert

Education:

- University degree in human rights, security studies, gender studies, development studies, public administration, or other social science related to the areas relevant for the assignment;

Experience:

- Minimum 5 years of proven experience working/collaborating with the Government institutions in the security sector, and familiarity with their policies, operations and practices;
- Minimum 3 years of proven work experience in the field of gender equality, human rights and development
- Successful experience in working with international organizations or UN agencies is considered an asset

Language skills:

- Excellent verbal and written Romanian. Working knowledge of English and Russian are required.

Evaluation Procedure

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

- University degree as per specific areas prescribed above
- Minimum 5 years of proven experience as per specific areas prescribed above;

The short-listed candidates will be further evaluated based on a cumulative analysis scheme, with a total score being obtained upon the combination of weighted technical and financial attributes. Cost under this method of analysis is rendered as an award criterion, which will be 30% out of a total score of 500 points.

Evaluation of submitted offers will be done based on the following formula:

$$B = T + \frac{C_{low}}{C} \times X$$

where:

- T is the total technical score awarded to the evaluated proposal (only to those proposals that pass 70% m 350 points obtainable under technical evaluation);
- C is the price of the evaluated proposal;
- Clow is the lowest of all evaluated proposal prices among responsive proposals; and
- X is the maximum financial points obtainable (150 points)

Technical evaluation will be represented through desk review of applications. Interview will organized if needed only, depending on the short-listed candidates' qualifications.

A) Technical Evaluation: The technical part is evaluated on the basis of its responsiveness to the Terms of Reference (TOR).

#	Criteria for technical evaluation – legal expert	Scoring	Max. points
1	University degree in law and/or other social or science related to the areas relevant for the assignment;	University – 60 pts Master's - 70 pts PhD – 80 pts	80
2	Minimum 5 years of proven experience working as a legal expert/practitioner in the area of compliance of domestic legislation with regional and international laws, standards and recommendations;	Up to 5 years- 0 pts,5 years –50 pts, each year over 5 years – 10 pts, up to a max of 110 pts	110

#	Criteria for technical evaluation – legal expert	Scoring	Max. points
3	Minimum 3 years of proven work experience in the field of gender equality, human rights and development	Up to 3 years- 0 pts, 3 years – 30 pts, each year over 3 year –5 pts, up to a maximum of 50 pts	60
4	Successful experience in working with international organizations or UN agencies	Experience in required field- 30 pts, no experience- 0 pts	30
5	Experience in peace and security field	Experience in required field- 30 pts, no experience- 0 pts	30
6	Excellent verbal and written Romanian. Working knowledge of English and Russian.	20 pts - fluency in Ro, 10 pts – working English, 10 pts – working Russian	40
	Total Technical Scoring		350

#	Criteria for technical evaluation – gender and security expert	Scoring	Max. points
1	University degree in human rights, security studies, gender studies, development studies, public administration, or other social science related to the areas relevant for the assignment;	University – 60 pts Master's - 70 pts PhD – 80 pts	80
2	Minimum 5 years of proven experience working/collaborating with the Government institutions in the security sector, and familiarity with their policies, operations and practices;	Up to 5 years- 0 pts,5 years –60 pts, each year over 5 years – 10 pts, up to a max of 120 pts	120
3	Minimum 3 years of proven work experience in the field of gender equality, human rights and development	Up to 3 years- 0 pts, 3 years – 40 pts, each year over 3 year –5 pts, up to a maximum of 80 pts	80
4	Successful experience in working with international organizations or UN agencies	Experience in required field- 30 pts, no experience- 0 pts	30
5	Excellent verbal and written Romanian. Working knowledge of English and Russian.	20 pts - fluency in Ro, 10 pts – working English, 10 pts – working Russian	40
	Total Technical Scoring		350

B) Financial evaluation:

In the Second Stage, the financial proposal of candidates, who have attained minimum 70% score in the technical evaluation (at least 245points), will be compared.

WINNING CANDIDATE

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

APPLICATION PROCESS AND SUBMISSION PACKAGE

Interested candidates must submit via online submission system the following documents/ information to demonstrate their qualification:

- Letter of Intent with justification of being the most suitable for the work, vision and working approach, specifically indicating experience of carrying out consultative research and in producing out analytical reports
- Duly filled Personal History Form (P11) and/or CV, including records on past experience in similar projects/assignments and specific outputs obtained;
- Financial proposal (in MDL) specifying an all-inclusive fixed total contract price, supported by a breakdown of costs as per template provided.

Please note that only applicants who are short-listed will be contacted and will have to pass a written test.

In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merges and builds on the important work of four previously distinct parts of the UN system (DAW, OSAGI, INSTRAW and UNIFEM), which focused exclusively on gender equality and women's empowerment.

The United Nations in 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.

Sample of Financial Proposal

The format shown on the following tables is suggested for use as a guide in preparing the Financial Proposal.

A. Cost Breakdown per Deliverables*

Legal expert

	Deliverables [list them as referred to in the TOR]	# of days and Percentage of Total Price (Weight for payment)		Price, MDL (Lump Sum, All Inclusive)
1	A draft legislative report developed and submitted incorporating all elements prescribed in table on Deliverables above	18 days	70%	
2	A final legislative report incorporating feedback received submitted	5 days	30%	
	Total	max. # of working days (100%)		MDL

*Basis for payment tranches

Gender and security expert

	Deliverables [list them as referred to in the TOR]	# of days and Percentage of Total Price (Weight for payment)		Price, MDL (Lump Sum, All Inclusive)
1	A draft policy and regulatory report developed and submitted, including all elements prescribed in table on Deliverables above.	18 days	70%	
4	A final policy and regulatory report incorporating feedback received submitted	5 days	30%	
	Total	max. # of working days (100%)		MDL

B. Cost Breakdown by Cost Component:

The Applicants are requested to provide the cost breakdown for the above given prices for each deliverable based on the following format. UN Women shall use the cost breakdown for the price reasonability assessment purposes as well as the calculation of price in the event that both parties have agreed to add new deliverables to the scope of Services.

Description of Activity	Unit of measure (e.g., day, month, etc.)	Unit price, MDL	No. of units	Total Price, MDL
Consultancy fee				
Other related costs (please specify):				